

RNTPC Paper No. A/YL-SK/390
For Consideration by
the Rural and New Town
Planning Committee
on 6.12.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/390

- Applicant** : Fleerdee Motor Ltd.
- Site** : Lot 1415 in D. D. 114, Sheung Tsuen, Kam Sheung Road, Shek Kong, New Territories
- Site Area** : 2,528m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years

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 at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is paved, currently vacant and fenced (**Plans A-3 and A-4a to 4b**).
- 1.2 The Site is accessible from Shek Kong Road connecting to Kam Sheung Road, with an ingress/egress (about 5.7m wide) at the northwestern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the proposed use involves a total of 40 parking spaces, including 19 for medium/ heavy goods vehicles (each with dimension of 11m x 2.6m), 10 for light goods vehicles (each with dimension of 5.3m x 2.5m) and 11 for private cars (each with dimension of 5.3m x 2.5m). Besides, two single-storey structures (not more than 2.6m in height) with a total floor area of about 24.7m² for ancillary toilet, kitchen, office and staff restroom will be erected at the Site (**Drawing A-1**). The proposed operation hours are 24 hours daily. In order to minimise potential visual and environmental nuisances on the surrounding area, boundary fencing (about 2.5m to 3m in height) will be erected

along the boundary of the Site, and all existing trees along the periphery of the Site will be retained.

- 1.3 The Site is the subject of five previous applications (**Plan A-1**). The last application No. A/YL-SK/300 for the same use at the same site submitted by the same applicant of the current application was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021. All approval conditions were complied with and the planning permission lapsed on 21.4.2024 (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**) 10.10.2024
 - (b) Further Information (FI) received on 28.11.2024* (**Appendix Ia**)
**accepted and exempted from the 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 and FI at **Appendices I and Ia** and can be summarised as follows:

- (a) There is shortage in parking spaces, particularly those for medium/ heavy goods vehicles, in Shek Kong area. The proposed use is intended to serve the nearby community and can address the local demand for car parking spaces.
- (b) The Site is the subject of various previously approved applications for car parking use. All approval conditions of the previous applications had been complied with, demonstrating the applicant's genuine efforts in resolving concerns of relevant government departments and minimising potential adverse impacts on the surroundings. The applicant is also committed to comply with the relevant approval conditions should the current application be approved.
- (c) The current application has a largely similar layout as the previously approved application No. A/YL-SK/300. In order to minimise potential visual and environmental impact on the surroundings, boundary fencing (about 2.5m to 3m in height) will be erected along the boundary of the Site. All existing trees along the periphery of the Site will also be retained. Besides, no land filling will be involved and the applicant will also strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) issued by the Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisances to the surrounding areas.
- (d) In order to minimise potential traffic impact on surrounding road networks, the parking spaces will be let out on a monthly basis. Besides, over half of intended tenants will only use the public vehicle park during non-peak hours.

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 obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site is the subject of five previous applications (No. A/YL-SK/80, 91, 115, 232 and 300) submitted for various temporary car parking uses approved by the Committee between 1999 and 2021.
- 5.2 Three applications (No. A/YL-SK/80, 91 and 115) submitted by a different applicant for temporary public car/lorry park for a period of 12 months or three years were approved by the Committee from 1999 to 2003 mainly on the considerations that the provision of parking spaces would satisfy parking demand from local residents in the area; the proposed car park was not incompatible with the surrounding land uses; no local objection was received; and other concerned departments had no adverse comments on the application.
- 5.3 The remaining two applications (No. A/YL-SK/232 and 300) for the same use and submitted by the same applicant of the current application were approved in 2018 and 2021 respectively based on similar considerations as stated in paragraph 5.2 above. For the last application (No. A/YL-SK/300), all approval conditions were complied with and the planning permission lapsed on 21.4.2024.
- 5.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

During the past five years, there was no similar application within the same “AGR” zone.

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

7.1 The Site is:

- (a) paved, currently vacant and fenced; and
- (b) accessible from Kam Sheung Road to its northwest via Shek Sheung Road.

- 7.2 The surrounding areas are rural in character predominated by vehicle repair workshops, low-rise residential structures and vacant land.

8. Planning Intention

The planning intention of the “AGR” zone is 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.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other 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 III and IV** respectively.

- 9.2 The following government department supports the application:

Transport

- 9.2.1 Comments of the Commissioner for Transport (C for T):

- (a) he supports the planning application as the proposed temporary public vehicle park could meet the public demand for vehicle parking spaces; and
- (b) advisory comments are detailed in **Appendix IV**.

- 9.3 The following government departments do not support 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 generally vacant. The agriculture 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, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, he does not support the application from agricultural perspective; and
- (b) no comment on the application from nature conservation perspective.

Environment

- 9.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application in accordance with the latest CoP as there are sensitive receivers in the vicinity (i.e. the nearest residential structure is about 19m west of the Site) and the application would cause traffic of heavy vehicles and environmental nuisance from the proposed use is anticipated;
- (b) there was no environmental complaint related to the Site in the past three years; and
- (c) advisory comments are detailed in **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 18.10.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) for a period of three years at the Site zoned “AGR” (**Plan A-1**). 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. Nonetheless, according to the applicant, the proposed use is intended to meet the parking demand of nearby community and the Site had been served as the proposed use for many years under the previous applications. C for T also supports the application as it could help address the local parking demand. In view of the above and taking into the account the planning assessments below, it is considered that the approval of the application on a temporary basis for three years could be tolerated.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are predominated by vehicle repair workshops, low-rise residential structures and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that no significant adverse impact on the existing landscape resources arising from the proposed use is anticipated.
- 11.3 DEP does not support the application as the proposed use would cause traffic of heavy vehicles and environmental nuisance is expected as there are sensitive receivers in the vicinity of the Site (i.e. the nearest residential structure is about 19m west of the Site). In this regard, the applicant proposes to install boundary fencing and to retain all existing trees along the periphery of the Site to minimise the potential visual and environmental impacts to the surrounding areas. It is also noted that there has not been any environmental complaint related to the Site in the past three years. Besides, the operation is subject to relevant pollution control ordinances and environmental protection regulations in which the applicant has committed to comply with. To address DEP’s concerns, the applicant will be

advised to follow the revised CoP issued by the EPD to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.

- 11.4 The Site is the subject of five previous applications (No. A/YL-SK/80, 91, 115, 232 and 300) submitted for various temporary car parking uses approved by the Committee between 1999 and 2021 mainly on considerations as mentioned in paragraph 5 above. Approval of the current application is considered in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, PlanD considers that the proposed use could be tolerated 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 6.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2025;
- (c) 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 6.6.2025;
- (d) in relation to (c) 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 6.9.2025;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 use is 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

Appendix I	Application Form with attachments received on 10.10.2024
Appendix Ia	FI received on 28.11.2024
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**