

RNTPC Paper No. A/YL-NTM/392  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 4.10.2019

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

**APPLICATION NO. A/YL-NTM/392**

- Applicant** : Ko Sing Profession Consultant Limited represented by R-riches Property Consultants Limited
- Site** : Lot 411 (Part) in D.D. 105, Shek Wu Wai, Yuen Long
- Site Area** : About 1,063 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Public Vehicle Park (Private Car Only) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary public vehicle park (private car only) for a period of 5 years (**Plan A-1**). The Site falls within an area zoned “V” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12. According to the Notes for the “V” zone, ‘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 currently used for open storage of construction materials without valid planning permission (**Plan A-2**).
- 1.2 According to the applicant, the proposed public vehicle park is intended to serve the residents of Shek Wu Wai. As shown on the location plan and layout plan at **Drawings A-1 and A-2**, the Site is accessible to Shek Wu Wai Road with an ingress and egress of 5.5m wide located at the north-eastern boundary of the Site. The development parameters of the application are summarised as follows:

<b>Major Development Parameters</b>	
Site Area	About 1,063 m <sup>2</sup>
Applied Use	Proposed Temporary Public Vehicle Park (Private

	Car Only) for a Period of 5 Years
No. of Parking Space	20 (private cars)
Operation Hours	24 hours daily

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

- (a) Application form received on 15.8.2019 **(Appendix I)**
- (b) Further Information (FI) dated 16.9.2019 enclosing a drainage proposal **(Appendix Ia)**  
*(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 and the FI at **Appendices I** and **Ia** respectively. They can be summarized as follows:

- (a) The proposed development which is temporary in nature would not jeopardize the planning intention of the “V” zone in the long run. The Site will be reinstated upon the expiry of the approval. As such, the approval of the application would not set an undesirable precedence.
- (b) The proposed use will mainly serve the residents of Shek Wu Wai to address the local parking demand and solve the problem of illegal parking. Monthly parking charges will be adopted.
- (c) The Site will provide enough manoeuvring space for vehicles. No vehicle will queue back to or reverse onto/from the Site. Staff will be arranged to direct the traffic and ensure no queuing up of vehicle outside the Site.
- (d) Upon the approval of the application, landscape, fire services and drainage proposals will be provided. The “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” will be observed to mitigate potential environmental impacts on the surrounding area. A drainage proposal has been submitted to demonstrate that the flooding susceptibility of the area has been mitigated.

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

The applicant is not a “current land owner” 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 and sending notice to San

Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

**4. Background**

The Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers). Enforcement Notice was issued on 25.6.2019 requiring discontinuation of the UD. If the notice is not complied with, prosecution action may be taken.

**5. Previous Application**

The Site is not the subject of any previous application.

**6. Similar Application**

6.1 A similar application No. A/YL-NTM/363 for proposed temporary public vehicle park (private cars and light goods vehicles only) in "V" (about 96%) and "Open Storage" ("OS") (about 4%) zones was approved by the Rural and New Town Planning Committee (the Committee) with conditions on 2.11.2018 for a period of 3 years. The main reasons for approval were that the development would not frustrate the long-term planning intention of the zone and not incompatible with the surrounding land uses; and there were no adverse departmental comments on environmental, ecological, traffic, fire safety, drainage and landscape aspects. Approval condition on the submission of fire service installations (FSIs) proposal has been complied with, while compliance with other conditions is in progress.

6.2 Details of of the application are summarized at **Appendix II**. The location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible to Shek Wu Wai Road;
- (b) partly fenced; and
- (c) currently used for open storage of construction materials without valid planning permission.

7.2 The surrounding areas are intermixed with vehicle park, residential dwellings,

cargo handling and forwarding facilities, cultivated agricultural land and unused land:

- (a) to its north are residential dwellings (some Small Houses under construction) and the Shek Wu Wai sitting-out area within “V” zone, and cargo handling and forwarding facilities and some unused land within “OS” zone;
- (b) to its east are mainly unused land and some cultivated agricultural land;
- (c) to its south are scattered residential dwellings and some unused land; and
- (d) to its west across a local track are residential dwellings in Shek Wu Wai and a vehicle park.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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 the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

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

9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The Site is accessible from Shek Wu Wai Road through both Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.

- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the application, the lot owner will need to apply to LandsD to permit the structures to be erected or regularize any irregularities on site, if any. Given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.
- (e) According to his record, there is no Small House application approved or under processing at the Site.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Part of Shek Wu Wai Road is maintained by his office.
- (b) The access arrangement to the Site from Shek Wu Wai Road should be commented by TD.
- (c) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Shek Wu Wai Road as described in item (a). Presumably, the relevant department will provide their comments to the applicant, if any.

- (d) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) The Site falls within the area of influence (AOI) for the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014 (RDS-2014). Although the program and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL.
- (b) He has no objection in principle to the application from the development point of view of the NOL, provided that the applicant is satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL.

**Environment**

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental impacts on the surrounding area.
- (b) No environmental complaint pertaining to the Site has been received over the past 3 years.

**Nature Conservation**

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

According to the aerial photo available in the Geospatial Information Hub of the LandsD, the Site is largely paved. Noting that the proposed uses would not involve tree felling, he has no adverse comments on the application from nature conservation perspective.

**Fire Safety**

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are

anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The applicant should also be advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

### **Building Matters**

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

Noting that there is no proposed building works on the Site, he has no comment under the Buildings Ordinance.

### **Drainage**

9.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The drainage proposal submitted by applicant is unacceptable from drainage operation and maintenance point of view. The applicant is requested to duly address DSD's comments below and re-submit the proposal for comments:
  - (i) cover & invert levels of catchpits and more ground levels should be provided to justify the flow of stormwater;
  - (ii) the applicant is required to justify on the sizing of the proposed U-channel. The minimum sizing of U-channels to be used is 300mm; and
  - (iii) invert level should be provided at the connection of the outlet and the existing stream.
- (c) Should the application be approved, the applicant should be advised on the following:
  - (i) the drainage submission should demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design

calculations and charts should be included. For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf) for reference. The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;

- (ii) after completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
- (iii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
- (iv) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
- (v) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
- (vi) the applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future; and
- (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on Site under proper maintenance during occupancy of the Site.

### **Landscaping**

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

In consideration that there are existing tree groups surrounding and outside the Site, which act as an effective landscape buffers, it is opined that landscape condition in planning permission is not recommended, should the application be approved by the Board.



### **Others**

#### 9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

### **District Officer's Comments**

#### 9.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has no comment on the application and the local comments should be submitted to the Board directly, if any.

#### 9.2 The following Government departments have no comment on the application:

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Commissioner of Police (C of P);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) Director of Leisure and Cultural Services (DLCS).

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

On 27.8.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 17.9.2019, one objecting comment was received from a member of the public raising concerns on the brownfield use and the need for parking spaces at the Site as it was not near to the village (**Appendix III**).

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

11.1 The application is for proposed temporary public vehicle park (private car only) for a period of 5 years. The Site falls within "V" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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. According to the applicant, the proposed public vehicle park will mainly serve the residents of Shek Wu Wai to address the local parking demand. DLO/YL, LandsD advised that there is no small house application approved or under processing within the Site. Although the proposed use is not in line with the planning intention of the “V” zone, approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the “V” zone as there is no immediate committed development at the Site. The proposed vehicle park can provide parking spaces to serve the local residents.

- 11.2 The proposed development is not incompatible with the surrounding land uses, comprising residential dwellings, cultivated agricultural land, vehicle park, and cargo handling and forwarding facilities.
- 11.3 Concerned Government departments, including DEP, DAFC, C for T, CHE/NTW, HyD, D of FS, CE/MN, DSD and CTP/UD&L, PlanD, have no objection to or no adverse comment on environmental, ecological, traffic, fire safety, drainage and landscape aspects respectively. The technical requirements of CE/MN, DSD and D of FS could be addressed by approval conditions as recommended in paragraph 12.2 (e) to (i) below. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the activity on-site and traffic arrangement; and requiring provision of boundary fence are recommended in paragraphs 12.2 (a) to (d) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.
- 11.4 There is a similar application No. A/YL-NTM/363 for the similar temporary public vehicle park use within the same “V” zone which was approved based on similar considerations. Approval of the subject application is in line with the previous decision of the Committee.
- 11.5 One objecting public comment was received raising concerns on brownfield use and the need for parking spaces at the Site. The departmental comments and planning consideration and assessments above are of relevance.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 5 years until 4.10.2024. The following conditions of approval and advisory clauses are also

suggested for Members' reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked on the Site at any time during the planning approval period;
- (d) the provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 4.4.2020;
- (e) the submission of 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 4.4.2020;
- (f) in relation to (e) 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 4.7.2020;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 4.4.2020;
- (i) in relation to (h) above, the provision of fire service installations 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 4.7.2020;
- (j) if any of the above planning conditions (a), (b), (c) or (g) 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
- (k) if any of the above planning conditions (d), (e), (f), (h) or (i) 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 development is not in line with the planning intention of the "V" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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 received on 15.8.2019
<b>Appendix Ia</b>	FI dated 16.9.2019
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos