

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

**APPLICATION NO. A/YL-SK/259**

<b><u>Applicant</u></b>	Mr. KWOK Ka Hei
<b><u>Site</u></b>	Lot 721 RP (Part) in D.D. 112, Lin Fa Tei Village, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	About 396m <sup>2</sup>
<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>	“Village Type Development” (“V”) <i>[Maximum building height of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (private cars only) at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). Private vehicle park is neither a Column 1 nor Column 2 use within the “V” zone. Notwithstanding this, temporary use or development of any land or building not exceeding a period of 3 years may be allowed with permission from the Town Planning Board (the Board). At present, the Site is vacant and paved.
- 1.2 According to the applicant, the Site area is about 396m<sup>2</sup>. A total of 12 private car parking spaces are proposed at the Site (**Drawing A-1**). No structure will be erected on Site. The Site is accessible via a local track from Kam Sheung Road (**Plan A-2**). It will be open for 24 hours daily, including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 On 16.8.2019 and 18.10.2019, the Committee agreed to the applicant’s requests to defer making a decision on the application for a total of four months in order to allow time for the applicant to prepare further information (FI) to address comments of Transport Department (TD). On 16.12.2019, the applicant submitted FI in response to the comments of TD. The application is scheduled for the Committee’s consideration at this meeting.

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

- (a) Application Form with attachments received on 17.6.2019 **(Appendix I)**
- (b) Further Information (FI) dated 16.12.2019 **(Appendix Ia)**  
*(exempted from publication)*

## **2. Justification from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and are briefly summarized as follows:

The existing provision of car parking spaces is inadequate to meet the needs of Lin Fa Tei Villagers. The proposed development would be able to provide a total of 12 car parking spaces for their use.

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

The applicant is one of the current land owners and has complied with the requirements as set out in the Town Planning Board (TPB) 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 another current land owner of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site was subject to planning enforcement action (No. E/YL-SK/214) against unauthorized development (UD) involving use for parking of vehicles (**Plan A-2**). An Enforcement Notice (EN) was issued on 15.5.2019 requiring discontinuation of the UD by 15.8.2019. Subsequent site inspection revealed that the UD was discontinued and the Compliance Notice (CN) was issued on 10.12.2019.

## **5. Previous Application**

There is no previous application in respect of the Site.

## **6. Similar Application**

There is no similar application for private vehicle park use within the same “V” zone on the OZP.

## **7. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)**

7.1 The Site is:

- (a) vacant, paved, gently flat;
- (b) within the “V” zone of the Lin Fa Tei Village; and
- (c) is accessible via a local track from Kam Sheung Road.

7.2 The surrounding areas of the Site are predominantly rural in character with clusters of domestic dwellings/structures in village setting.

- (a) to its north are some domestic dwellings/structures intermixed with parking of vehicles and open storage of construction materials, and to its further north is Kam Sheung Road; and
- (b) to its east, south and west are some domestic dwellings/structures intermixed with parking of vehicles and vacant/unused land.

## **8. Planning Intention**

The planning intention of “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 the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the “V” 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**

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

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of 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 Kam Sheung Road via Government Land (GL) and private land. His office provides no maintenance work for GL involved and does not guarantee any right-of-way over GL to the Site;

- (c) the Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed relevant airfield height limit within SKAHRA;
- (d) should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, 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 as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) 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; and
- (e) there is no Small House application approved or currently under processing at the Site.

### **Traffic**

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

- (a) he has no comment on the application from traffic engineering perspective, having regard to the applicant's FI (**Appendix Ia**) on the justifications for the provision of 12 car parking spaces at the Site;
- (b) should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included; and
- (c) the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site with Kam Sheung Road; and
- (b) adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads/drains.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) should the application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”; and
- (b) there is no environmental complaint received by DEP in the past three years.

### **Drainage**

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

- (a) he has no objection in-principle to the proposed development; and
- (b) should the application be approved, the conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.

### **Water Supplies**

9.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C of WSD):

he has no objection to the application, and his detailed comments are at **Appendix II**.

### **Building Matters**

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

he has no comment on the application, noting that there is no proposed building works at the Site.

### **Fire Safety**

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

- (a) he has no objection in-principle to the proposal subject to fire service installations being provided to his satisfaction;
- (b) in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the

proposed fire service installations to be installed should be clearly marked on the layout plans; and

- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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

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

he has not received any comments from locals upon close of consultation and he has no particular comments on the application.

9.2 The following Government departments have no objection to/adverse comment on the application:

- (a) Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L of PlanD);
- (b) Project Manager/West, Civil Engineering and Development Department (PM/W of CEDD);
- (c) Commissioner of Police (C of P); and
- (d) Director of Electrical and Mechanical Service (DEMS).

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

On 25.6.2019, the application was published for public inspection. During the three-week statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessment**

11.1 The application is for proposed temporary private vehicle park (private cars only) at the Site for a period of 3 years. According to the applicant, there will be a total of 12 private car parking spaces provided at the Site to serve the needs of Lin Fa Tei Villagers. The Site falls within an area zoned "V" on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). While the 'private vehicle park' use is not entirely in line with the planning intention of "V" zone, which 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, DLO/YL of LandsD advised that there is no Small House application approved or currently under processing at the Site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "V" zone or the provision of land for Small House development.

11.2 In view of its small scale, the proposed temporary private vehicle park without any structure on site is not incompatible with the surrounding land uses which are mainly clusters of domestic dwellings/structures in village setting (**Plan A-2**). Relevant

Government departments including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD have no objection to/no comment on the application from traffic, environmental, drainage and landscape aspects. It is anticipated that the proposed development would not have significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. To mitigate any potential traffic and environmental impacts on the surrounding areas, approval conditions restricting the type of vehicles allowed to access the Site as proposed by the applicant are recommended in paragraphs 12.2 (a) to (c) below. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (d) to (i). Any non-compliance with the approval conditions will result in revocation of the planning permission. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.

- 11.3 The Site is not subject to any previous application or any similar application within the same “V” zone on the OZP. Besides, no public comment was received on the application during the statutory publication period.

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

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the proposed temporary private vehicle park (private cars only) 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 17.1.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations, as proposed by the applicant, are allowed to enter/be parked on the Site at all times during the planning approval period;
- (b) 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;
- (c) a notice shall be posted at a prominent location of the Site at all times to indicate that only private cars as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (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 17.7.2020;

- (f) in relation to (e) above, the implementation of drainage proposal with 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.10.2020;
- (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 proposal for fire service installations and water supplies for fire-fighting 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 17.7.2020;
- (i) in relation to (h) above, the implementation of proposal for fire service installations and water supplies for fire-fighting 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 17.10.2020;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked without further notice; and
- (k) if any of the above planning conditions (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 II**.

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

the proposed development is not in line with the planning intention of the "V" zone which 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 the "V" zone is primarily intended for development of Small Houses by indigenous villagers, and for concentrating village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong planning justification has been given in the submission to justify 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 17.6.2019
<b>Appendix Ia</b>	Further Information (FI) dated 16.12.2019
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</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

**PLANNING DEPARTMENT  
JANUARY 2020**