

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/356

- Applicant** : Ka Long Consultant Engineering Limited represented by WONG Sun-wo William
- Site** : Lot 2150 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 1,198 m² (about)
- Lease** : Block Government Lease (Demised for Agricultural Use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Residential (Group C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]
- Application** : Proposed Temporary Electric Vehicle Charging Station and Private Car Vehicle Park with Ancillary Office and Shroff for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary electric vehicle charging station and private car vehicle park with ancillary office and shroff for a period of 3 years. The Site falls within an area zoned “Residential (Group C)” (“R(C)”) on the Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9 (**Plan A-1**). According to the Notes of the “R(C)” 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 hard-paved and vacant (**Plans A-3, A-4a to A-4c**).
- 1.2 The Site is accessible via a local track leading to Deep Bay Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, 28 private car parking spaces, of which 7 with electric car charging facilities, will be provided. 2 temporary structures with a total floor area of about 75 m² and building height of 1 storey (4.5m) for site office cum shroff and toilet uses will also be provided. The operation hours are from 7 am to 11 pm every day. The proposed layout plan, landscape plan and drainage plan are shown at **Drawings A-1, A-2 and A-3** respectively.

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

- (a) Application form and attachments received on 9.1.2020 (Appendix I)
- (b) Further Information (FI) responding to Transport Department's comment received on 24.1.2020
(accepted and exempted from publication requirements)
- (c) FI responding to Transport Department's comment (Appendix Ib) received on 16.2.2020
(accepted and exempted from publication requirements)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in section 7 of the application form and the FI received on 16.2.2020 (Appendices I and Ib). They can be summarized as follows:

- (a) There is a shortage of electric car charging station in the Lau Fau Shan area. The applicant has signed contract with Bolt Electric Vehicle Company to provide electric vehicle charging services and promote the use of electric vehicles.
- (b) The provision of car parking spaces could improve the tourism capacity of the Lau Fau Shan area.
- (c) The proposed use could provide car parking spaces for residents in the neighbourhood.
- (d) The applicant would set up a notice board at the Government Land outside the Site to remind drivers not to park their cars at the entrance of the Site.

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 posting notice at the Site and sending registered post to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active enforcement case.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same "R(C)" zone.

7. The Site and Its Surrounding Areas (Plans A-2, A-3, A-4a to 4c)

7.1 The Site is:

- (a) currently hard-paved and vacant; and
- (b) accessible via a local track leading to Deep Bay Road (**Plans A-2 and A-3**). The local track is the access to the adjacent low-rise residential development of Deep Bay Grove.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to its immediate north is the low-rise residential development of Deep Bay Grove; and to its further north are some residential dwellings;
- (b) to its south is a site with planning permission (Application No. A/YL-LFS/323) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years and an open storage yard;
- (c) to its east across Deep Bay Road are some open storage yards and warehouses; and
- (d) to its west is shrubland; and to its further west is the coastal area of Deep Bay.

8. Planning Intention

The planning intention of “R(C)” is primarily for low-rise, low density residential developments where commercial uses serving the residential neighbourhood 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 (DLO/YL):

- (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) Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity 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. Applications for any of the above will be considered by the 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 the LandsD.

Traffic

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

- (a) He has reservation on the application based on the information provided by the applicant.
- (b) The traffic of the Site would be through a local track leading to Deep Bay Road which is a single track road.
- (c) The applicant is requested to justify that the nearby public road network has adequate capacity to accommodate the traffic induced by the proposed development. In particular, the traffic impact on Deep Bay Road should be well assessed as a result of the proposed use since it is highly likely that vehicles in opposite directions need to negotiate with each other where passing bay is not available.
- (d) As the proposed development might induce additional traffic flow to Deep Bay Road which is a single track road, the applicant shall conduct quantitative analysis to assess potential traffic impact arising from the proposed use.

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

- (a) The access arrangement should be commented by Transport Department (TD).
- (b) The applicant is advised to approach LandsD to confirm the management and maintenance party of temporary access road connecting to Deep Bay Road;
- (c) If the proposed run-in is agreed by TD, the applicant should provide the run in/out at temporary access road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
- (d) According to the record of his Department, there are railings at the temporary access road and the proposed access arrangement will require removal or modification of the railings. The agreement of TD should be sought before commencement of the works. The removal and modification work shall be completed to the satisfaction of TD and HyD;
- (e) There is drainage channel across the proposed access point or run-in/out, the applicant should maintain its capacity and functionality. The applicant is advised to check the capacity and submit the modification details for his comments if necessary;
- (f) Adequate drainage measures should be provided at the site access to

prevent surface water flowing from the Site to nearby public roads/drains; and

- (g) The applicant should note that HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.

Nature Conservation

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

Noting that the Site is disturbed and falls within “R(C)” zone, he has no adverse comment on the application from nature conservation point of view.

Environment

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

- (a) DEP has no adverse comment on the application.
- (b) 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 the DEP to minimize potential environmental nuisance to the surrounding area.

Landscape

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

- (a) With reference to the aerial photo taken in 2018, existing trees are observed at the northern and eastern portions of the Site. The Site is situated in an area of urban fringe landscape character predominated by low-rise residential buildings, village houses and temporary structures. The proposed development is not incompatible with the surrounding environment.
- (b) The applicant is advised that the approval of s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and / or felling under lease. The applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works.

Drainage

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

- (a) He has no objection in principle to the application from a drainage point of view.

- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest a condition to be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and to maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Board.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (d) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

Fire Safety

9.1.9 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 (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 his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

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

He has not received any locals' comment on the application and he has no comment from departmental point of view.

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

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

10. Public Comments Received During Statutory Publication Period

On 17.1.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 7.2.2020, six public comments were received from Deep Bay Grove Owners' Corporation and other individuals (**Appendices II-1 to II-6**) all objecting to the application. The objection grounds are summarized as below.

- (a) the Site is paved and the Board should not encourage brownfield development;
- (b) the development would induce adverse noise, environmental and ecological impacts to the surroundings;
- (c) the development would cause safety, nuisance and privacy issues to the nearby Deep Bay Grove;
- (d) the proposed development would increase the traffic at Deep Bay Road; and
- (e) the traffic would pass through a section of road managed by Deep Bay Grove which is unfair to the owners of Deep Bay Grove.

11. Planning Considerations and Assessments

11.1 The subject application is for proposed temporary electric vehicle charging station and private car vehicle park with ancillary office and shroff for a period of 3 years at the Site zoned "R(C)" on the OZP. The "R(C)" zone is intended primarily for low-rise, low density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The Site is currently paved and vacant (**Plans A-2, A-4a to A-4c**). The applicant proposes

to provide 28 car parking spaces for private vehicles as well as electric vehicles at the Site. The proposed use is considered not entirely in line with the planning intention of the “R(C)” zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

- 11.2 The Site is situated in an area of urban fringe landscape character predominated by low-rise residential buildings, village houses and temporary structures, open storage yards and shrubland (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding areas.
- 11.3 C for T has reservation on the application from traffic engineering point of view. He has concern over the additional traffic flow generated by the proposed development on Deep Bay Road which is a single track road and the applicant has yet to address his concern. The applicant fails to demonstrate the proposed use would not have adverse traffic impact on the surrounding areas.
- 11.4 Other relevant departments including DAFC, DEP and CTP/UD&L, PlanD has no adverse comment on the application on the ecological, environmental and landscape aspects.
- 11.5 There is no similar application in the same “R(C)” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(C)” zone. The cumulative effect of approving such similar applications would result in adverse traffic impact in the area.
- 11.6 There are six public comments objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 mentioned in paragraph 10, the Planning Department does not support the application for proposed temporary electric vehicle charging station and private car vehicle park with ancillary office and shroff for a period of 3 years for the following reasons:
 - (a) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
 - (b) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(C)” zone, the cumulative effect of which will result in adverse traffic impact in the area.
- 12.2 Alternatively, 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 **6.3.2023**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation from 11 p.m. to 7 a.m., as proposed by the applicant, is allowed on the Site 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 at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (d) 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 **6.9.2020**;
- (e) in relation to (d) 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 **6.12.2020**;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) all existing trees within the Site should be maintained in good condition at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **6.9.2020**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **6.12.2020**;
- (j) if any of the above planning conditions (a), (b), (c), (f) 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), (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 III**.

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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 13.3 Alternatively, 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.

14. Attachments

Appendix I	Application form with attachments received on 9.1.2020
Appendix Ia	FI received on 24.1.2020
Appendix Ib	FI received on 16.2.2020
Appendices II-1 to II-6	Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
MARCH 2020**