

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

**APPLICATION NO. A/SK-CWBN/44**

- Applicant** : Mr. Lau Chi Keung
- Site** : Lot No. 106 R.P. in D.D. 239, Mang Kung Uk, Hang Hau, Sai Kung, New Territories
- Site Area** : 1,158 m<sup>2</sup> (about)
- Lease** : Held under Block Government Lease (demised for agricultural use)
- Plan** : Approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6
- Zoning** : “Village Type Development” (“V”)
- Application** : Renewal of Planning Approval for Temporary Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for a temporary vehicle park (private cars and light goods vehicle) for a period of 3 years. The Site falls within an area zoned “V” on the approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 (**Plan A-1**). According to the Notes of the OZP, temporary vehicle park requires planning permission from the Town Planning Board (the Board). The Site is currently covered by a planning permission for the applied use under Application No. A/SK-CWBN/35 which is valid until 27.3.2018. All the time-limited approval conditions have been complied with.
- 1.2 According to the applicant, the current scheme is the same as the proposal approved under the previous application No. A/SK-CWBN/35 except there are minor changes in the layout of the parking spaces. It will continue providing 20 parking spaces (2.5m x 5m each) for private cars and 10 parking spaces (3.5m x 7m each) for light goods vehicles. The vehicle park layout submitted by the applicant is at **Drawing A-1**. The proposed temporary vehicle park will operate 24 hours daily.
- 1.3 In support of the application, the applicant has submitted the Application Form dated 20.12.2017 and attachments at **Appendix I**.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in paragraph 9 of the application form at **Appendix I** and are summarized as follow:

- (a) the vehicle park could relief shortage of parking facilities in local villages;
- (b) the vehicle park will serve the villagers of Yu Uk Village, Wo Tong Kong and O Pui Village nearby. It will operate on 24-hour basis for the villagers' convenience;
- (c) the vehicle park provides a barrier free access to the elderly and disabled villagers and can be used as access for the emergency vehicles to approach the village houses; and
- (d) the vehicle park is well managed by the applicant. All the approval conditions imposed by the Board will be complied with.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owners" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to the application. The criteria for assessing applications for renewal of planning approval include:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specified time limits;
- (d) whether the approval period sought is reasonable;
- (e) any other relevant considerations; and
- (f) the approval period for renewal should not be longer than the original validity period of the temporary approval.

## 5. **Background**

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

## 6. **Previous Application**

The Site is the subject of a previous application No. A/SK-CWBN/35 for the same use approved with conditions by the Committee on 27.3.2015 mainly on the grounds that it would not frustrate the planning intention of the “V” zone and the proposal was considered acceptable by relevant government departments. All the time-limited approval conditions of the previous planning approval had been complied with. Details of the previous application are at **Appendix II**.

## 7. **Similar Application**

There is no similar application within the “V” zone of the OZP in the vicinity.

## 8. **The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos on Plan A-4)**

### 8.1 The Site:

- (a) is currently used as vehicle park with valid planning permission;
- (b) is landscaped with planters at the southern edge;
- (c) within the village environ (‘VE’) of Mang Kung Uk Village; and
- (d) is accessible from Mang Kung Uk Road.

### 8.2 The surrounding areas have the following characteristics:

- (a) to its north is vegetated/fallow agricultural land; and
- (b) to its east, south and west are Wai Sum Village, Yu Uk Village and Wo Tong Kong respectively, with village houses mixed with some temporary structures.

## 9. **Planning Intention**

The planning intention of “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 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.

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

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

### **Land Administration**

10.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no adverse comment on the application;
- (b) the subject lot is held under Block Government Lease (demised for agricultural use);
- (c) there is no Small House application at the Site. The number of outstanding Small House applications in Mang Kung Uk is 105. However, there is no information regarding the 10-year Small House Demand Forecast;
- (d) the use of the lot for private car park purpose does not constitute a breach of the lease under which the lot is held. As no structure is proposed on the Site, no approval from DLO/SK is required; and
- (e) it is noted that the Site is accessible from Mang Kung Uk Road via a strip of government land and a private lot adjoining the Site, DLO/SK does not provide maintenance works for this strip of government land nor guarantees any right-of-way to the Site.

### **Traffic**

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

- (a) he has no in-principle objection to the application from traffic engineering viewpoint;
- (b) the Site was previously used as a temporary vehicle park. Significant traffic impact on the adjacent road network is not expected if the application is approved;
- (c) the part of existing access road connecting the Site is outside Transport Department's (TD's) purview. Relevant management/maintenance agents of this access should be consulted;
- (d) currently TD has no planned road programme at Mang Kung Uk Road; and
- (e) should the application be approved, the following approval conditions are recommended:
  - (i) no vehicle without valid license under the Road Traffic

Ordinance is allowed to be parked/stored on the Site during the planning approval period;

- (ii) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all time during the planning approval period; and
- (iii) a notice should be posted at a prominent location of the Site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all time during the planning approval period.

### **Environment**

#### 10.1.3 Comment of the Director of Environmental Protection (DEP):

- (a) no comment on the application; and
- (b) the applicant is advised to follow the ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the DEP.

### **Urban Design and Visual**

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

in the previous application (No. A/SK-CWBN/35), concerns have been raised on the possible impact of the proposed development on the vegetation/trees within the Site. Subsequent to the approval of the previous planning application, the applicant had complied with the approval condition on the submission and implementation of the landscape proposal. According the applicant’s submission, there is no major change in the development proposal. As such, it is not anticipated that the current application would induce any adverse visual impact on the surrounding rural context.

### **Landscape**

#### 10.1.5 Comments of the CTP/UD&L, PlanD:

- (a) has no in-principle objection to the application from landscaping planning point of view; and
- (b) it is noted that planters have been proposed and implemented under the previous planning approval. Should the application be approved, it is recommended that the standard approval condition for maintenance of all existing landscape features and plantings within the Site at all time to be applied in the planning permission.

### **Water Supply**

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

- (a) he has no in-principle objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **Fire Safety**

10.1.7 Comment of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS. EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

10.2 The following government departments have no objection to/comment on the application:

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) District Officer (Sai Kung);
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Highway Engineer/NT East, Highways Department;
- (e) Commissioner of Police;
- (f) Director of Food and Environmental Hygiene;
- (g) Director of Leisure and Cultural Services;
- (h) Project Manager (East), Civil Engineering and Development Department;
- (i) Director of Agriculture, Fisheries and Conservation; and
- (j) Head (Geotechnical Engineering Office), Civil Engineering and Development Department.

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

On 29.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 19.1.2018, one public comment supporting the application was received (**Appendix III**).

## **12. Planning Considerations and Assessment**

- 12.1 The current application is for renewal of the planning permission under previous Application No. A/SK-CWBN/35 for temporary vehicle park for a further period of 3 years. The Site falls within an area zoned “V” on the OZP. 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. Although the proposed temporary use is not entirely in line with the planning intention of “V” zone, it could serve the needs of the nearby village residents. Approval of the application on a temporary basis for 3 years could be tolerated and would not frustrate the long term planning intention of the “V” zone.
- 12.2 The vehicle park under application which does not involve heavy vehicles is considered not incompatible with the surrounding rural context with clusters of village houses and temporary structures. According to DLO/SK, there are 105 outstanding Small House applications within the Mang Kung Uk Village. Based on the latest estimate of Planning Department, about 2.7 ha of land is available within the “V” zone (or equivalent to 108 Small House sites). As such, land is still available to meet the outstanding Small House application in Mang Kung Uk Village. DLO/SK also advises that there is no Small House application at the Site. Approval of the planning application on a temporary basis for a period of 3 years will not affect the current Small House applications in Mang Kung Uk Village.
- 12.3 The application is in line with TPB Guidelines PG-No. 34B in that since the last planning approval, there has been no major change in planning circumstances; all the approval conditions under the previous planning approval have been complied with and the 3-year approval period sought is the same in the previous planning application. Relevant government departments consulted including Environmental Protection Department, Transport Department and Fire Services Department have no objection to/adverse comment on the application.
- 12.4 As there are village houses located in close proximity to the Site, approval conditions restricting the types of vehicles and requiring maintenance of existing tree plantings are recommended in paragraphs 13.2 (a) to (d). 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. Besides, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses” to minimize the possible environmental impacts.
- 12.5 The public comment supporting the application is noted.

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

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning

Department considers that the temporary public vehicle park could be tolerated for a further period of 3 years.

- 13.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a further period of 3 years, and be renewed from 28.3.2018 until 27.3.2021. The following conditions of approval and advisory clauses are also suggested for Member's reference:

Approval conditions

- (a) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site during the planning approval period;
- (b) only private car and light good vehicles as defined in the Road Traffic Ordinance is allowed to enter/be parked on the Site at all time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the Site at all times during the planning approval period;
- (d) the existing planters and landscape features within the Site shall be maintained at all times during the planning approval period;
- (e) the submission of fire service installations and equipment for firefighting proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.9.2018**;
- (f) in relation to (e), the implementation of fire service installations and equipment for firefighting proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.12.2018**;
- (g) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the 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 conditions (e) 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 attached at **Appendix IV**.

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



the proposed temporary public vehicle park is not in line with the planning intention of the “V” zone which 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 Small Houses by indigenous villagers.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application form dated 20.12.2017
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Public Comment
<b>Appendix IV</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  
FEBRUARY 2018**