

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/34

<u>Applicants</u>	:	Mr. TANG Shun Loy and Ms HAU Yin represented by Fotton ELA Architects Limited
<u>Site</u>	:	Lot 231 in D.D. 83, Hung Lung Hang, Sheung Shui, New Territories
<u>Site Area</u>	:	About 604 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Temporary Public Vehicle Park (Private Car) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) for a temporary public vehicle park (private car) for a period of three years (**Plan A-1**). The Site falls within an area zoned “V” on the approved Hung Lung Hang OZP No. S/NE-HLH/11. According to the Notes for the “V” zone of the OZP, the development under application is regarded as a ‘public vehicle park (excluding container vehicle)’ use which is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the information submitted by the applicants, there are 13 parking spaces (measuring 2.5m x 5m each) within the Site for private cars. No structure or kiosk will be erected on the Site (**Drawing A-1**). The operation hours of the temporary public vehicle park are 24 hours per day and on a monthly rental basis. A two-way access is provided via a local track to Sha Tau Kok Road (**Drawing A-1**). The applicants estimate that there will be 40 and 46 daily trips made by private cars to / from the Site in weekdays and in the weekends / public holidays respectively. The applicants submit a site layout plan and section plans in supporting the application (**Drawings A-1 to A-3**).
- 1.3 The Site is the subject of a previous approved application (No. A/NE-HLH/26) for the proposed temporary open villager car park for a period of three years submitted by the same applicants. The application was approved with conditions by the Rural and New

Town Planning Committee (the Committee) of the Board on 20.11.2015 mainly on the considerations that the development was not incompatible with the surrounding land uses; and there was no comment on/ no objection to the application from Government departments. All the approval conditions have been complied with and the permission lapsed on 21.11.2018. Compared with the previous application, the site area, the number of parking spaces and layout generally remain unchanged.

1.4 In support of the application, the applicants have submitted the following documents:

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|--|--------------------|
| (a) Application Form with Attachments received on 28.11.2018 | Appendix I |
| (b) Further Information received on 4.1.2019 | Appendix Ia |
| (c) Further Information received on 9.1.2019 | Appendix Ib |

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Part 9 of the application form at **Appendix I**. They can be summarized as follows:

- (a) there is a lack of public vehicle park in the vicinity to serve the local villagers. The approval of the application would help reduce the blockage of road and have positive impact to the traffic condition in the area;
- (b) only private car parking spaces are to be provided within the Site and no structure or kiosk will be erected on the Site; and
- (c) the Site is the subject of a pervious application No. A/NE-HLH/26 of which all relevant approval conditions have been complied with.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

According to the Chief Town Planner / Central Enforcement and Prosecution, Planning Department, the Site is not involved in any active enforcement action. It is noted that the planning permission for the Site lapsed on 21.11.2018, should there be sufficient evidence to prove that the current use on the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action would be taken.

5. Previous Application

5.1 The Site is the subject of a previous application (No. A/NE-HLH/26) for the proposed temporary open villager car park for a period of three years submitted by the same applicants. The application was approved with conditions by the Committee on 20.11.2015 mainly on the considerations that the development was not incompatible with

the surrounding land uses; and there was no comment on/ no objection to the application from Government departments. All the approval conditions have been complied with and the permission lapsed on 21.11.2018. Compared with the previous application, the current application has same major development parameters including the site area, the number of parking spaces and layout, etc.

5.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary public vehicle park and related use(s) within or partly within the “V” zone in the vicinity of the Site in Hung Lung Hang area.

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

7.1 The Site is:

- (a) flat, paved and partly fenced off; and
- (b) accessible from Sha Tau Kok Road – Lung Yeuk Tau via local tracks (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) the surrounding land uses are predominantly rural in character intermixed with village houses, vacant land, tree groups and active agricultural land;
- (b) to the immediate north are a sitting-out area and an area being used for parking of vehicles, across which is the existing village cluster of Siu Hang Tsuen;
- (c) to the immediate east and west are vacant land and car park respectively, to its further east is a piece of land with Small Houses and construction works of Small Houses being in progress and to its further west is active agricultural land and tree group; and
- (d) to the south is the channelized section of Ng Tung River, across which is tree group.

8. Planning Intention

The planning intention of the “V” zone in the area 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.

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/North, Lands Department (DLO/N, LandsD):

- (a) the lot under application is an Old Schedule Agricultural Lot held under Block Government Lease (demised for agricultural use) without any guarantee of right of vehicular access; and
- (b) no Small House application regarding the Site has been received. The numbers of outstanding Small House application and 10-year Small House demand of Siu Hang San Tsuen are 25 and 150 respectively.

Traffic

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

having reviewed the further information with associated drawings of providing signages alert drivers and pedestrians (**Appendices Ia and Ib**) submitted by the applicants, she has no comment on the application.

Environment

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

- (a) he has no comment on the application and advises that the applicants should follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by DEP; and
- (b) there was no record of environmental complaint against the Site for the past three years.

Landscape

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

- (a) she has no objection to the application from landscape planning perspective;
- (b) based on the aerial photo of 2017, the Site is situated in an area of rural landscape character surrounded by village houses, car parks, temporary structures, clustered tree groups and vegetated areas. The applied use is not incompatible with the landscape setting of the surrounding environment. Significant adverse impact arising from the applied use on existing

landscape resources is not anticipated;

- (c) according to her site record, the Site is hard paved with existing landscape plantings along site boundary for screening effect. All existing trees and vegetation are generally in good condition. Should the Committee approve the application, the applicants should be advised to properly maintain all existing trees and vegetation within the Site at all times during the planning approval period; and
- (d) should the application be approved, the applicant should be advised of the following:
 - (i) the approval of the landscape proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO/N, LandsD for approval; and
 - (ii) useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference on its website.

Drainage

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

- (a) he has no in-principle objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicants to submit a condition record of the existing drainage facilities implemented on the Site (under the last planning application No. A/NE-HLH/26) up to the existing public channel. The condition record shall include photos clearly showing the current conditions of the existing drainage facilities including those downstream of the Site; and the locations of the camera and the direction of each photos should be indicated on the approved drainage plan;
- (c) the applicants should maintain the existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective; and
- (d) the Site is in an area where no public sewerage connection is available.

Nature Conservation

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

the Site is an existing car park and subject to a previous planning approval for car park use. As such, he has no comment on the application. Nonetheless, the Site is close to the Ng Tung River. Should the application be approved, the applicants should be advised to take precautionary measures to avoid water pollution to the streamcourse.

District Officer's Comments

9.1.7 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman of the Fanling District Rural Committee and the incumbent North District Council (NDC) member cum Indigenous Inhabitant Representatives of Lung Yeuk Tau have no comment on the application.

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

- (a) Director of Fire Services (D of FS);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (d) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 7.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received (**Appendix III**). A NDC member and the Chairman of Sheung Shui District Rural Committee have no comment on the application.

11. Planning Considerations and Assessments

11.1 The Site falls within an area zoned "V" on the Hung Lung Hang OZP. Whilst the applied use is not totally in line with the planning intention of the "V" zone, which is primarily intended for development of Small Houses by indigenous villagers, it is noted that the temporary public vehicle park is mainly to serve the local villagers for meeting their car parking needs. Besides, as advised by DLO/N, LandsD, no Small House application has been received for the Site. Approval of the temporary car park use on a temporary basis would not frustrate the long term planning intention of the area.

11.2 The Site is located within the "V" zone of Siu Hang Tsuen and Siu Hang San Tsuen, and in close proximity to the village cluster of Siu Hang Tsuen (**Plan A-1**). It is currently used for the applied use without valid planning permission. Given the temporary nature and small scale of the development, which is for the parking of 13 private cars, the temporary public vehicle park is considered not incompatible with the surrounding land uses which are predominantly domestic structures, vacant / unused land and some active agricultural

land (**Plan A-2**). CTP/UD&L, PlanD, in this regard, has no objection to the application from the landscape planning perspective.

- 11.3 DEP has no comment on the application and advises that the applicants should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances. To ensure that the temporary public vehicle park would not degrade the environmental quality of the rural surrounding environment, approval conditions requiring only private car is allowed to be parked on the Site; no workshop activity is permitted on the Site, etc are also recommended. As the applicants have proposed traffic and pedestrian safety measures, significant traffic impact arising from the development is not expected. C for T has no objection to the application. Other Government departments consulted, including CE/MN, DSD and D of FS, have no adverse comment on or no objection to the application.
- 11.4 The Site is the subject of a previous planning application (No. A/NE-HLH/26) for the temporary open villager car park for a period of three years submitted by the same applicants. The application was approved with conditions by the Committee on 20.11.2015 mainly on the considerations that the development was not incompatible with the surrounding land uses; and there was no comment on/ no objection to the application from Government departments. All the approval conditions have been complied with and the permission lapsed on 21.11.2018. There is no material change in the planning circumstances of the area since the approval of the previous application.
- 11.5 There is no adverse comment received against the application.

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 has no objection to the application for a period of 3 years.
- 12.2 Should the Committee decide to approve the application, it is suggested the permission shall be valid on a temporary basis for a period of 3 years until **18.1.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop

activities is allowed on the Site at any time during the planning approval period;

- (e) the peripheral fencing and paving of the Site shall be maintained at all times during the planning approval period;
- (f) the maintenance of the existing trees and vegetation within the Site at all times during the planning approval period;
- (g) the existing drainage facilities shall be properly maintained at all times during the planning approval period and rectified if they are found inadequate/ineffective during operation;
- (h) the submission of a condition record of the existing drainage facilities 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 18.4.2019;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (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
- (j) if any of the above planning condition (h) 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 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. 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. There is no strong planning justification 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 conditions and advisory clauses, 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 applicants.

14. Attachments

Appendix I	Application Form with Attachments received on 28.11.2018
Appendix Ia	Further Information received on 4.1.2019
Appendix Ib	Further Information received on 9.1.2019
Appendix II	Previous s.16 Application
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawings A-2 & A-3	Section Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**