

**FURTHER CONSIDERATION OF APPLICATION NO. A/NE-LT/628**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Temporary Private Car Park (Private Cars and Light Goods Vehicles)  
for a Period of Three Years  
in “Agriculture” and “Village Type Development” Zones  
Lots 408 S.B ss.2, 408 S.B ss.3, 408 S.B ss.4, 408 S.B ss.5 and 408 S.B RP (Part)  
in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po, New Territories**

**1. Background**

- 1.1 On 22.11.2017, the applicants sought planning permission for a temporary private car park (private cars and light goods vehicles) for a period of three years at the application site (the Site), which falls within an area mainly zoned “Agriculture” (“AGR”) and partly zoned “Village Type Development” (“V”) on the approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11 (**Plan FA-1**).
- 1.2 On 12.1.2018, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) considered the application. A few Members had reservation on the application and considered that applications involving deliberate action to destroy the rural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site should not be tolerated. Since the Site was also the subject of an enforcement action on parking of vehicles, these Members considered that the subject application was a typical ‘destroy first, apply later’ case and such actions should not be encouraged and a more stringent approach should be adopted in considering such cases.
- 1.3 Members noted that in considering the cases involving ‘destroy first, apply later’ actions, the Board would take into account the background and other site-specific circumstances, particularly the original state of the Site before it was destroyed. After deliberation, the Committee decided to defer making a decision on the application pending provision of further information on the history and physical condition of the Site by the Planning Department.
- 1.4 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/NE-LT/628 (Appendix FA-I)
  - (b) Extract of minutes of the Committee’s meeting held on 12.1.2018 (Appendix FA-II)
  - (c) Secretary of the Board’s letter dated 26.1.2018 informing the applicants of the deferment of the Committee’s decision (Appendix FA-III)

## 2. History and Physical Conditions of the Site

### Land Use Zonings

- 2.1 The Site was designated as “Not Specified” on the Lam Tsuen Interim Development Permission Area (IDPA) Plan No. IDPA/NE-LT/1 gazetted on 31.8.1990. It was then designated as “Unspecified Use” on the draft Lam Tsuen Development Permission Area (DPA) Plan No. DPA/NE-LT/1 gazetted on 12.7.1991. Subsequently, majority of the Site was zoned as “AGR” with a minor portion (about 15.5%) encroaching onto the “V” zone on the draft Lam Tsuen OZP No. S/NE-LT/1 gazetted on 8.7.1994. The land use zonings of the Site remain unchanged since then.

### Physical Conditions

- 2.2 Based on the past aerial photos (**Plan FA-3b**), the Site including the surrounding areas were cultivated land in 1990. It was a piece of bare land in 1993. The Site was subsequently paved in 1996 before the incorporation of development control on filling of land in the Notes of the “AGR” zone in 2005. It is noted that the Site has been used as part of the substandard vehicular access connecting Chai Kek Village with Lam Kam Road until the new Chai Kek Road was completed in 2012 under the Rural Public Works project. According to the applicants, the only vehicular access to the Site is via a strip of Government land from Chai Kek Road as shown on **Plan FA-2**. DLO/TP of LandsD, C for T and CHE/NTE of HyD have no objection to the application.

### Progress of Enforcement Action

- 2.3 The Site is the subject of an enforcement case. An Enforcement Notice (EN) was issued on 19.10.2017 to the owner of concerned lots requiring the discontinuance of unauthorized parking of vehicles by 19.1.2018. The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) advises that the parking of vehicles had been discontinued before the expiry of the compliance period. CTP/CEP, PlanD will continue to monitor the Site before considering issuance of the Compliance Notice.

## 3. Planning Department’s Views

- 3.1 The Planning Department maintains its view of having no objection to the application for the same considerations as detailed in para. 11 of the RNTPC paper at **Appendix FA-I**.
- 3.2 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 2.3.2021. The following conditions of approval as set out in paragraph 12.2 of the RNTPC Paper No. A/NE-LT/628 are recapitulated below:

### Approval Conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are

allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (b) no reversing of vehicles into or out from the Site is allowed at any time during the planning approval period;
- (c) the preventive measures against water pollution to the upper indirect water gathering ground should be properly maintained at all times during planning approval period;
- (d) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (e) 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 2.9.2018;
- (f) 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 2.9.2018;
- (g) in relation to (f) above, the implementation of 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 2.12.2018;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (i) if any of the above planning conditions (e), (f) or (g) 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; and
- (j) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

- 3.3 The recommended advisory clauses are attached at Appendix IV in **Appendix FA-I**.
- 3.4 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
  - (a) the development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. It is also not in line with the planning

intention of the “V” zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intentions of “AGR” and “V” zones, even on a temporary basis; and

- (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

#### **4. Decision Sought**

- 4.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 4.2 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 date when the validity of the permission should expire.
- 4.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for the rejection should be given to the applicants.

#### **5. Attachments**

Appendix FA-I	RNTPC Paper No. A/NE-LT/628
Appendix FA-II	Extract of minutes of the Committee’s meeting held on 12.1.2018
Appendix FA-III	Secretary of the Board’s letter dated 26.1.2018 to the applicants
Drawing FA-1	Site plan submitted by the applicants
Plan FA-1	Location Plan
Plan FA-2	Site Plan
Plans FA-3a and FA-3b	Aerial Photos
Plans FA-4a and FA-4b	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**