

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

**APPLICATION NO. A/NE-LT/632**

- Applicant** : Mr. CHEUNG Leung Fat
- Site** : Lot No. 915 RP in D.D. 25, Tai Om, Tai Po, New Territories
- Site Area** : About 2,841m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zoning** : “Village Type Development (“V”)
- Application** : Temporary Private Car Park (Private Cars only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary private car park (private cars only) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 According to the applicant, a total of 50 parking spaces for private cars will be provided within the Site. The car park will serve local residents and operate 24 hours a day. No toilet facilities will be erected on the Site. A 5m wide vehicular access connecting to Tai Om Road from the Site is proposed. A plan showing the vehicular route from Tai Om Road to the Site is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) application form and attachments received on **(Appendix I)**  
9.1.2018
  - (b) supplementary information received on 12.1.2018 **(Appendix Ia)**
  - (c) further information received on 30.4.2018 providing **(Appendix Ib)**  
supporting letters from Tai Po Rural Committee and

Lam Tsuen Valley Committee, written consent letter from the adjacent lot owner regarding the proposed vehicular access and site photos (*accepted and exempted from publication and recounting requirements*)

- 1.4 On 2.3.2018, the Board agreed to the applicant's requests to defer making a decision on the application for two months to allow time for the preparation of further information in support of the application. The latest further information was submitted on 30.4.2018 and the application is scheduled for consideration by the Committee on 1.6.2018.

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

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

- (a) private car is the major mode of transport for the local residents due to the lack of convenient transport links;
- (b) the existing metered car park in the village is always fully occupied and the roadside parking leads to the traffic congestion in the area; and
- (c) the Tai Po Rural Committee and Lam Tsuen Valley Committee supports the application in view of lack of parking spaces in the village.

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

The applicant is not a "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 site notice and giving notification to the sole "current land owner". 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 (CTP/CEP, PlanD), the Site forms part of the subject of an active enforcement case against unauthorized parking of vehicles. Enforcement Notice (EN) was issued to the concerned landowners on 1.12.2017 requiring the notice recipients to discontinue the unauthorized development by 1.3.2018. CTP/CEP, PlanD advises that the parking of vehicles had been discontinued before the expiry of the compliance period.

**5. Previous Application**

There is no previous application for the same use at the Site.

**6. Similar Application**

There is no similar application for the same use within the same “V” zone.

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

7.1 The Site is:

- (a) generally flat, mainly hard-paved and currently vacant;
- (b) situated within the village proper of Tai Om and bounded by Tai Om Children Playground to the west and village houses to the south and east; and
- (c) abutting a local track leading to Tai Om Road.

7.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, fallow agricultural land and tree groups. A metered public car park with 25 parking spaces is situated about 10m to the northeast of the Site.

**8. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized villages 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 House 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 summarized as follows:

**Land Administration**

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;

- (b) the Site consists of a private lot namely Lot No. 915 RP in D.D. 25. The lot is held under Block Government Lease demised for agricultural purpose and no structure shall be erected on the aforesaid lot without prior approval from LandsD;
- (c) concerning the applicant's proposed access between Tai Om Road and the Site, there is an existing track encroached onto two pieces of Government land and part of Lot No. 121 in D.D. 18. The applicant should be informed that there is no guarantee of right of way to the Site; and
- (d) no Small House application has been received for the Site.

### **Traffic**

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

- (a) no in-principle objection to the application from traffic engineering view point; and
- (b) the existing village access connecting the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

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

- (a) no comment on the application; and
- (b) Tai Om Road is a public road maintained by HyD. The existing run-in/out on Tai Om Road leading to the Site is not up to HyD's standard. In this regard, the applicant should be advised that he should be responsible for constructing a run-in/out at his own cost and to the satisfaction of HyD. Upon the expiry of the temporary planning permission, the applicant is also required to reinstate the run-in/out at his own cost to its original state to the satisfaction of HyD.

### **Environment**

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

- (a) no objection to the application;
- (b) the Site falls within the "V" zone and is within water gathering grounds (WGG). The applicant has confirmed that the applied use is for parking of private cars and there will be no toilet facility or wastewater generation; and

- (c) as the application is for temporary use, 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 Environmental Protection Department (EPD).

### **Landscape**

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

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is surrounded by village houses in close vicinity within the “V” zone;
- (c) the Site is situated in an area of rural landscape character comprising of village houses, car parks and scattered tree groups. The applied use is not incompatible with the surrounding environment. The Site is hard paved and not vegetated. Adverse impact on landscape resources from the applied use is not anticipated;
- (d) should the application be approved by the Board, an approval condition on submission and implementation of landscape proposal is recommended; and
- (e) the applied use is in close proximity to the surrounding village houses, planting along the site boundary should be provided for screening purpose.

### **Drainage**

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) there is no public drain maintained by DSD in the vicinity of the Site. The applied use should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The Site is located on unpaved ground. The applied use will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be

inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (c) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. DSD would not assist the lot owner/developer in his drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
- (d) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, he shall furnish his connection proposals for DSD's agreement;
- (e) the applicant is required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (f) should the application be approved, an approval condition on the submission and implementation of the drainage proposal is required to ensure that the applied use will not cause adverse drainage impact to the adjacent area; and
- (g) the Site is in close vicinity of the existing DSD maintained public sewers and within drainage reserve area (**Plan A-2**), the applicant should take precautionary measures to prevent damage to these facilities. Should any undue settlement or damage to such facilities be detected, the works for the applied use shall be stopped immediately. The matter should be reported to DSD as soon as possible for repair at the applicant's cost. For works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

### **Water Supply**

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

- (a) the Site is located within the upper indirect WGG and is less than 30m from the nearest water course. He has no objection to the application on conditions that the development should not cause any water pollution to the upper indirect WGG; and
- (b) the applicant should note the advisory comments at **Appendix III**.

### **Fire Safety**

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

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

### **Electricity Safety**

9.1.9 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant should observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

## **Public Safety**

### 9.1.10 Comments of the Commissioner of Police (C of P):

- from public safety and security perspective, sufficient anti-crime measures (e.g. lighting and CCTV) should be put in place to provide security for valuable properties within the Site.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (b) Project Manager/North, Civil Engineering and Development Department;
- (c) Director of Agriculture, Fisheries and Conservation; and
- (d) District Officer/Tai Po, Home Affairs Department.

## **10. Public Comments Received During Statutory Publication Period (Appendix III)**

On 16.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received from individuals. One of them supports the application as there is a genuine need for car parking spaces in the area. Another two comments object to the application mainly on the ground of shortage of land for housing development and setting of undesirable precedent.

## **11. Planning Considerations and Assessments**

11.1 The application is for a temporary private car park in the “V” zone of Tai Om. Whilst the applied use is not totally in line with the planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, it is noted that the temporary private car park is to serve the residents of Tai Om Village. The applicant has provided the supporting letters from Tai Po Rural Committee and Lam Tsuen Valley Committee in support of the application (**Appendix Ib**). According to DLO/TP, LandsD, no Small House application has been received for the Site. Hence, the temporary private car park would not frustrate the planning intention of the Site for village type development, and DLO/TP, LandsD has no objection to the application.

11.2 The Site is located within the village proper of the “V” zone of Tai Om. The temporary private car park will provide a total of 50 parking spaces for private cars. The Site is mainly hard-paved and no trees are found within the Site. The applied use is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**). CTP/UD&L, PlanD has no objection to the application from landscape planning perspective as adverse impact on landscape resources caused by the applied use is not anticipated.



- 11.3 The Site is located within the upper indirect WGG and the applicant has confirmed that there will be no toilet facility or wastewater generation from the applied use (**Appendix Ia**). In this connection, both DEP and CE/C of WSD have no objection to the application on condition that the development should not cause any water pollution to the upper indirect WGG. Other relevant Government departments consulted including C for T, CE/MN and CE/PM of DSD, CHE/NTE of HyD, D of FS and C of P have no objection to or adverse comment on the application. Besides, the Site is the subject of an enforcement case against the unauthorized parking of vehicles. An EN was issued on 1.12.2017 to the owner of concerned lots requiring the discontinuance of unauthorized parking of vehicles by 1.3.2018. CTP/CEP, PlanD advises that the parking of vehicles had been discontinued before the expiry of the compliance period.
- 11.4 To minimize any possible environmental nuisance generated by the applied use and ensure that the temporary private car park would not degrade the environmental quality of the rural surrounding, approval conditions restricting the types of vehicles and activities and requiring protection of WGG during the planning approval period are recommended in paragraphs 12.2 (a) to (c) below. The technical concerns of relevant Government departments on the application could be addressed by way of stipulating relevant approval conditions. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on-site will be subject to enforcement action taken by the Planning Authority. Besides, the applicant will be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential environmental impact.
- 11.5 The public comment supporting the application on the ground that there is a genuine need on the provision of car parking spaces in the area is noted. For the other two public comments objecting to the application on the ground of shortage of land for housing development; being not in line with the “AGR” zone; and setting of undesirable precedent, Government departments’ comments and the planning assessments above 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 considers that the temporary use under the application 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 1.6.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicles other than private cars are allowed to be parked within the application site during the planning approval period;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the application site during the planning approval period;
- (c) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (d) no permanent structure shall be erected within the drainage reserve area at the Site 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 1.12.2018;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.12.2018;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 1.3.2019;
- (h) 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 1.12.2018;
- (i) in relation to (h) 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 1.3.2019;
- (j) the submission of fire service installations and water supplies for fire fighting proposal 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 1.12.2018;
- (k) in relation to (j) above, the implementation of fire service installations and water supplies for fire fighting proposal 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 1.3.2019;
- (l) 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;

- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) 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
- (n) 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

The recommended advisory clauses are attached at **Appendix III**.

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

- the development is not in line with the planning intention of the "V" zone which is primarily intended for the 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 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**

Appendices I and Ia	Application form and attachments together with supplementary information received on 9.1.2018 and 12.1.2018
Appendix Ib	Further information received on 30.4.2018
Appendix II	Public comments
Appendix III	Recommended advisory clauses
Appendix IV	Advisory comments of the Chief Engineer/Construction, Water Supplies Department

Drawing A-1	Site plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT  
JUNE 2018**