

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/695

- Applicants** : Messers. CHUNG Lap Kee, CHUNG Chor Hei, CHUNG Cheuk Wai and CHUNG Wing Chun represented by Mr. HUI Kwan Yee
- Site** : 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
- Site Area** : About 705.6 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zonings** : “Agriculture” (“AGR”) (about 84.5%)
“Village Type Development (“V”) (about 15.5%)
- Application** : Renewal of Planning Approval for Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of Three Years until 2.3.2024

1. The Proposal

- 1.1 The applicants seek renewal of planning permission to continue using the application site (the Site) for temporary private car park (private cars and light goods vehicles) for a further period of three years until 2.3.2024. 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 information submitted by the applicants, the applied use provides 27 parking spaces for private cars and light goods vehicles serving local residents and operating 24 hours a day. No toilet facility is provided on the Site. The Site is accessible from Chai Kek Road via a local track. The layout of the temporary private car park is shown on **Drawing A-1**. The Site is currently used for the applied use with valid planning permission (under Application No. A/NE-LT/628) until 2.3.2021.
- 1.3 In support of the application, the applicants have submitted the following documents:

- (a) application form with attachments received on 6.1.2021 **(Appendix I)**
- (b) supplementary information received on 13.1.2021 **(Appendix Ia)**
- (c) further information (FI) received on 11.2.2021 **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Part 7 of the application form and FI at **Appendices I** and **Ib** respectively. They can be summarized as follows:

- (a) the applicants would like to continue using the Site as a temporary private car park serving the local residents; and
- (b) there is no change to the temporary carpark use and car-parking layout when compared to the previous approved application (No. A/NE-LT/628).

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

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

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34C (TPB-PG No. 34C) on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ are relevant to this application. The relevant planning criteria are summarized in **Appendix II**.

5. **Previous Application**

5.1 The Site is the subject of a previously approved application (No. A/NE-LT/628) submitted by the same applicants for the same use under the current application. That application was approved by the Rural and New Town Planning (the Committee) on 2.3.2018 for a period of three years mainly on the considerations that approval of the applied use on a temporary basis would not frustrate the long-term planning intention of “AGR” and “V” zones; it was not incompatible with the surrounding areas which are predominantly rural in character; and would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding area. All approval conditions have been complied with and the planning permission is valid until 2.3.2021. Details of the previous application are summarized at **Appendix III** and the location is shown on **Plan A-1**.

5.2 The current application is the same as the approved scheme under Application No. A/NE-LT/628 in terms of site area, number and layout of parking spaces and access arrangement.

6. Similar Application

Whilst there is no similar application within the same “AGR” zone of the Site, one similar application (No. A/NE-LT/661) for temporary private car park falling within the same “V” zone was located about 100m to the southeast of the Site. The application was approved by the Committee on 8.3.2019 for a period of three years on similar considerations as those for Application No. A/NE-LT/628 mentioned in paragraph 5.1 above. Details of the similar application are summarized at **Appendix IV** and the location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) generally flat, hard-paved and currently used as a private car park; and
- (b) situated at the northwestern fringe of Chai Kek and accessible via a local track from Chai Kek Road (**Drawing A-1**).

7.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, active/fallow agricultural land and tree groups. A cluster of village houses within the “V” zone are found to the immediate east of the Site.

8. Planning Intentions

8.1 The planning intention of the “AGR” zone is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable village expansion. 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 five private lots in D.D. 10, Lam Tsuen under different ownership. The private lots are held under the Block Government Lease demised for agricultural purpose and no structure shall be erected thereon without prior approval from LandsD;
- (c) recent inspection revealed that the Site has been used for an open carpark;
- (d) the proposed ingress/egress are on unallocated Government land. The maintenance and management responsibility of the said Government land should be sorted out with the relevant Government departments prior to making use of them for proposed vehicular access purpose. Furthermore, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
- (e) should the Board approve the application, the lot owners are required to submit applications for Short Term Waiver (STW) to LandsD if they wish to erect structures on the lots. However, there is no guarantee at this stage that the STW applications would be approved. If the STW applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including payment of waiver fee and administrative fee as considered appropriate;
- (f) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
- (g) no valid Small House application has been received at the Site.

Traffic

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

- (a) no objection to the renewal application from traffic engineering point of view; 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 road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

Environment

- 9.1.3 Comments of the Director of Environmental Protection (DEP):
- (a) the applicants are advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department; and
 - (b) no environmental complaint has been received against the Site in 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) no objection to the application from landscape planning perspective; and
 - (b) the Site is located in an area of settled valleys landscape character comprises clusters of trees, vegetated areas, farmlands and village houses. The Site is already in operation, no significant sensitive landscape resource is observed within the Site and significant adverse impact on existing landscape resources is not anticipated. This renewal application for the same temporary private car park is considered not entirely incompatible with the environment.

Drainage

- 9.1.5 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) DSD’s maintained public stormwater drains exist in the vicinity. The temporary car park should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site;
 - (c) should the application be approved, a condition should be included to request the applicants to submit a condition record of the existing drainage facilities on the Site as previously agreed under Application No. A/NE-LT/628 to the satisfaction of the Director of Drainage Services or of the Board within three months of the planning approval;

- (d) the applicants should maintain those existing drainage facilities properly and rectify those facilities if they are found inadequate/ ineffective during operation; and
- (e) for works to be undertaken outside the lot boundary, the applicants should consult LandsD and seek consent from relevant lot owners.

Agriculture

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

- no strong view against the application for renewal of planning approval considering that the previous application for the same use was approved by the Board.

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 water gathering ground (WGG) and is less than 30m from the nearest water course. He has no objection to the application on conditions that the preventive measures against water pollution to the upper indirect WGG should be properly maintained and the development should not cause any water pollution to the upper indirect WGG; and
- (b) the applicants should note the advisory comments at **Appendix V**.

Electricity and Town Gas Safety

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) the applicants should note the advisory comments at **Appendix V**.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Director of Fire Services (D of FS);
- (d) Head of Geotechnical Engineering Office, Civil Engineering and

- Development Department (H(GEO), CEDD);
- (e) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD); and
 - (f) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

10. Public Comment Received During Statutory Publication Period

On 15.1.2021, the application was published for public inspection. During the statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for renewal of planning approval for temporary private car park for a period of three years at the Site mainly zoned “AGR” (about 84.5%) and partly zoned “V” (about 15.5%) on the OZP. Whilst the applied use is not entirely in line with the planning intentions of “AGR” and “V” zones which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and for development of Small Houses by indigenous villagers respectively, DAFC has no strong view on the renewal application considering that the previous application for the same use was approved by the Board. Moreover, DLO/TP of LandsD advises that there is no Small House application received for the Site. In this regard, approval of the application on a temporary basis for another three years would not frustrate the long-term planning intentions of the “AGR” and “V” zones.
- 11.2 The current scheme is the same as the last approved application (No. A/NE-LT/628) in terms of the applied use, site area, number and layout of parking spaces and access arrangement. All approval conditions of the previous application have been complied with and there has been no material change in planning circumstances since the approval of the previous application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are predominantly rural in character with village houses, temporary structures, active/fallow agricultural land and tree groups (**Plans A-2 and A-3**). CTP/UD&L of PlanD advises that significant adverse impact on existing landscape resources is not anticipated. According to DEP, no environmental complaint in relation to the Site has been received in the past three years. Relevant Government departments consulted, including C for T, CE/MN of DSD, CE/C of WSD, CHE/NTE of HyD, DAFC and D of FS have no objection to or no adverse comment on the application.
- 11.4 The application generally complies with the TPB PG-No. 34C on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that there has been no material change in planning circumstances since the approval of the previous application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the previous application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.

11.5 There is one similar application (No. A/NE-LT/661) for temporary private car park within the same “V” zone located about 100m to the southeast of the Site, which was approved by the Committee on 8.3.2019 for a period of three years on similar considerations as those for the approval of the previous application No. A/NE-LT/628.

11.6 No public comment was received during the statutory publication period.

12. Planning Department’s Views

12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.

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 three years and **be renewed from 3.3.2021 to 2.3.2024**. The following approval conditions and advisory clauses are also suggested for Members’ reference:

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 submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.6.2021**;
- (f) 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;
- (g) if the above planning condition (e) 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

- (h) 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 VI**.

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 "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, 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 and attachments received on 6.1.2021
Appendix Ia	Supplementary information received on 13.1.2021
Appendix Ib	FI received on 11.2.2021
Appendix II	Relevant Extract of TPB Guidelines No. 34C on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
Appendix III	Previous application
Appendix IV	Similar application
Appendix V	Advisory comments of the Chief Engineer/Construction, Water Supplies Department and Director of Electrical and Mechanical Services
Appendix VI	Recommended advisory clauses

Drawing A-1	Layout plan submitted by the applicants
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
FEBURARY 2021**