

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/124

<u>Applicant</u>	Tai Tung Tsuen Management Committee
<u>Site</u>	Lots 1497 RP (Part), 231 (Part), 235, 236 (Part), 240, 241 and 245 (Part) in D.D. 165, Tai Tung, Shap Sz Heung, Sai Kung, New Territories
<u>Site Area</u>	About 1,191 m ²
<u>Lease</u>	<u>For Lot 1497 RP (Part)</u> New Grant Lot (No. TP2706) <u>For the remaining lots</u> Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for temporary private car park (private cars and light goods vehicles) for a period of three years. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission of the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 The applied temporary private car park will provide 35 parking spaces (31 for private cars and 4 for light goods vehicles) serving the daily parking needs of the local residents of Tai Tung Village only. The layout of parking spaces and access points to the Site is shown on **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the application form with attachments on 22.8.2018 (**Appendix I**).

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 **Appendix I**, which are summarized as follows:

- (a) to cope with the parking need in Tai Tung Village, the applicant had obtained planning approval for using the Site and adjoining Government land for temporary private car park for a period of 3 years on 18.9.2015 (Application No. A/NE-SSH/101). The approval has lapsed on 19.9.2018. The current application is to revise the boundary of the car park to meet the latest circumstances in the village; and
- (b) the applied use will only serve the local residents of Tai Tung Village, which will be opened on a daily and 24-hour basis.

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. Previous Applications

- 4.1 The Site is part of the subject of three previous applications (No. A/NE-SSH/64, 82 and 101) for the same use submitted by the same applicant. The three applications were approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) on 21.8.2009, 10.8.2012 and 18.9.2015 respectively mainly on the grounds that the applied temporary use would not adversely affect land available for Small House development and no significant adverse impacts were anticipated. All approval conditions have been complied with.
- 4.2 Compared with the last application (No. A/NE-SSH/101), the site area in the current application decreases from 1,718m² to 1,191m² (-30.68%) by excluding all Government land and the number of parking spaces decreases from 48 to 35 (-27.08%).
- 4.3 Details of the previous applications are summarised at **Appendix II**.

5. Similar Application

There is no similar application for private car park within the same “V” zone.

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

6.1 The Site:

- (a) comprises four individual portions situated at the northern part of Tai Tung Village;
- (b) is mostly paved with some trees at the fringe and currently used for parking of vehicles; and
- (c) is served by a village road connected to Sai Sha Road.

6.2 The surrounding areas are predominantly rural in character with a mix of village houses and tree groups. A cluster of village houses is situated to the south of the Site.

7. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised 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.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) no objection to the application;
- (b) the Site consists of 7 private lots No. 1497 RP, 231, 235, 236, 240, 241 and 245 all in D.D. 165 in Tai Tung of Sai Kung North. Lot No. 1497 RP is held under New Grant No. TP2706. According to the Land Registry’s records, the lease term of the lot, its date of commencement and rent cannot be ascertained from the New Grant. The remaining 6 lots are held under Block Government Lease demised for agricultural purpose, no structure shall be erected on these lots without prior approval from LandsD;
- (c) there is no guarantee of right of way to these private lots or approval of Emergency Vehicular Access thereto;

- (d) the lot owner is not required to seek lease modification from LandsD to implement the proposed temporary open private car park. Any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification;
- (e) the applicant is required to obtain written consent from the registered owner of the Site before the implementation of the proposal;
- (f) the applicant should confirm that no Government land is involved in the application;
- (g) no Small House application has been received for the Site. Part of the Site falls within the village 'environs' ('VE') of Tai Tung; and
- (h) the Site falls within an Archaeological Site (ref. AM00-1615). The applicant should consult the Antiquities and Monuments Office prior to implementing the proposal.

Traffic

8.1.2 Comments of Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering point of view;
- (b) the village access road and accesses to the Site are not under Transport Department's management. The applicant should clarify the land status, management and maintenance responsibilities of the concerned accesses with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
- (c) the applicant should provide sufficient space within the Site for manoeuvring of vehicles.

Landscape

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

General comments

- (a) no objection to the application;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups, village houses and vacant land. Although the applied use is not in line with the planning intention of "V" zone, it is not entirely incompatible to the surrounding environment;

- (c) the Site is hard paved and operated as private car park. A number of existing trees are recorded within the Site, of which four mature *Ficus microcarpa* (細葉榕) along the northern boundary and one mature *Bischofia javanica* (秋楓) at the southeast corner are considered of high amenity value. The existing trees are generally in satisfactory conditions. Adverse impact on landscape resources arising from the applied use of temporary private car park is not anticipated; and
- (d) should the application be approved, approval condition to maintain the existing trees within the Site satisfactorily at all times during the approval period should be included;

Detailed comments

- (e) noting the existing *Ficus variagata* (青果榕) as shown on **Plan A-2** is heavily pruned, the applicant should be reminded that extensive tree pruning is a malpractice for tree maintenance which could weaken tree health and increase the risk of fungal infection at the cuts. Applicant should closely monitor the conditions of the tree and conduct proper tree maintenance works as necessary during the approval period;
- (f) tree protective measures, e.g. kerbs or bollards at a minimal distance of one metre from planting area of trees should be provided to guard the trees from potential damage arising from manoeuvre of vehicles; and
- (g) noting that some objects and garbage are stacked around the trees and in the planting areas, the applicant should be reminded that root zone of trees should be free from miscellaneous objects. A minimal one-metre clearance should be maintained between any object/garbage from the tree trunk for healthy growth of trees.

Environment

8.1.4 Comments of Director of Environmental Protection (DEP):

- (a) no objection to the application from chlorine risk point of view in relation to the nearby Ma On Shan Water Treatment Works based on the information provided by the applicant;
- (b) there was no environmental complaint in relation to the Site received in the past three years; and
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

Drainage

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

- (a) no adverse comment on the application from public drainage viewpoint; and
- (b) the applicant should maintain the drainage systems for the applied car park properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems.

Water Supply

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

- (a) no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the 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.

Archaeological Interest

8.1.7 Comments of Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(AM), AMO):

- (a) no objection to the application in view of the location and scope of the proposal; and
- (b) as the Site falls within Tai Tung Site of Archaeological Interest, the applicant should inform AMO immediately in case of discovering antiquities or supposed antiquities in the Site in the course of the applied use.

Town Gas Safety

8.1.8 Comments of Director of Electrical and Mechanical Services (DEMS):

- (a) there is a high pressure underground town gas transmission pipeline (running along Sai Sha Road) in the vicinity of the Site;
- (b) the applicant shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or

planned gas pipes/ gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and

- (c) the applicant should observe the requirements of the Electrical and Mechanical Services Department's "Avoidance of Damage to Gas Pipes 2nd Edition" for reference.

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

- (i) Director of Agriculture, Fisheries and Conservation;
- (ii) Director of Fire Services;
- (iii) Commissioner of Police;
- (iv) Chief Highway Engineer/New Territories East, Highways Department;
- (v) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (vi) Project Manager (North), Civil Engineering and Development Department; and
- (vii) District Officer (Tai Po), Home Affairs Department.

9. **Public Comment Received During Statutory Publication Period**

On 31.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received (**Appendix III**) raising that using the Site for car park rather than residential or recreational purposes was a waste of land resources and would have negative impact on the quality of the land and environs.

10. **Planning Considerations and Assessments**

- 10.1 The application is for a temporary private car park in the "V" zone of Tai Tung Village. Whilst the proposed 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 Tung Village. DLO/TP, LandsD has no objection to the application and advises that there is no Small House application received at the Site. Given the temporary nature of the proposed car park, it is considered that approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the "V" zone.
- 10.2 The temporary private car park under application will provide a total of 35 parking spaces (31 for private cars and 4 for light goods vehicles) to meet the car parking needs of the local residents (**Drawing A-1**). The Site is mostly paved and predominantly rural in character (**Plan A-3**). The applied use is considered not incompatible with the surrounding village setting (**Plans A-2, A-4a and 4b**). CTP/UD&L, PlanD has no objection to the application as significant landscape impact on the area is not anticipated. C for T has no adverse comment on the application from traffic engineering point of view. DEP also

advises that no environmental complaint against the Site has been received in the past three years. Other relevant Government departments consulted included DAFC, CE/MN and CE/CM of DSD, CE/C of WSD, CHE/NTE of HyD, D of FS and C of P have no adverse comment on the application.

- 10.3 To ensure that the temporary private car park would not degrade the environmental quality of the rural surroundings, approval conditions requiring no vehicles other than private cars and light good vehicles to be parked on the Site; no workshop activities permitted on the Site; maintenance of existing trees and drainage systems in satisfactory conditions at all times and reinstatement of the Site upon expiry of planning permission are recommended in paragraphs 11.2 (a), (b), (c), (d) and (f) below. Besides, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 10.4 The Site is part of the subject of three previously approved applications (No. A/NE-SSH/64, 82 and 101) submitted by the same applicant for the same use. According to PlanD’s record, all approval conditions in relation to these planning permissions had been complied with. Compared with the last approved application No. A/NE-SSH/101, this current application applies for a temporary car park with reduced site area and number of parking spaces and excludes all Government land. The planning circumstances of the subject application are similar to those approved cases.
- 10.5 Regarding the public comment objecting to the application mainly for the reasons of being an inappropriate use of land and possible environmental impacts, the comments from concerned Government departments and planning assessments in the above paragraphs are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9, the Planning Department considers that the applied temporary private car park (private cars and light good vehicles only) could be tolerated for a period of three years.
- 11.2 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 until **19.10.2021**. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicles other than private cars and light good vehicles are allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;

- (c) all existing trees shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities should be maintained properly and those facilities if found inadequate/ineffective should be rectified during the planning approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) upon expiry of the planning permission, the reinstatement of the application 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 IV**.

- 11.3 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 recognised villages and areas of land considered suitable for village expansion. Land within this zone 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.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 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.

13. Attachments

Appendix I	Application form with attachments received on 22.8.2018
Appendix II	Previous applications
Appendix III	Public comment
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout 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
OCTOBER 2018**