

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

**APPLICATION NO. A/NE-TK/665**

- Applicant** : New Advanced Limited represented by Mr. LAU Chee Sing
- Site** : Lot 13 in D.D. 27, Sha Lan, Tai Po, New Territories
- Site Area** : About 211.2m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Car Park for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary private car park 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. The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant, a total of six parking spaces for private cars will be provided within the Site and operate 24 hours daily. The Site is accessible from Ting Kok Road via Sam Mun Tsai Road and Sha Lan Road. Plans showing the site layout and vehicular access route to the temporary car park are at **Drawings A-1** and **A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) application form and attachments received on (**Appendix I**) 14.3.2019
  - (b) further information received on 26.3.2019 clarifying (**Appendix Ia**) the operation hours of the applied use (*accepted and exempted from publication and recounting requirements*)

**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**. They can be summarized as follows:

- (a) there is a lack of car parking spaces in Sha Lan Village; and
- (b) the proposal is to provide six temporary private car parking spaces for a period of three years.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant 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 at the Site and sending notice to Tai Po Rural Committee through registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Application**

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

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

6.1 The Site is:

- (a) flat, hard-paved and currently used as the applied use without valid planning permission;
- (b) situated within the village proper of Sha Lan and bounded by village houses to its immediate east and south; and
- (c) abuts a local access leading to Sha Lan Road.

6.2 The surrounding areas are predominantly rural in character with village houses, fallow/active agricultural land and tree groups.

## **7. Planning Intention**

The planning intention of the “V” zone 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.

## **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 the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site falls within a private lot, namely Lot 13 in D.D. 27, which is held under Block Government Lease demised for agricultural purpose. No structure shall be erected thereon without prior approval from LandsD;
- (c) the applicant is required to submit a short term waiver (STW) application to LandsD should he wish to erect any structure on the Site. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is 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 the payment of waiver fee and administrative fees as considered appropriate;
- (d) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto;
- (e) no Small House application has been received for the Site; and
- (f) the access road fronting the Site, which falls within a private lot (Lot 9 RP in D.D. 27), is an EVA serving various lots in D.D. 27.

## **Traffic**

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

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the existing village access connecting the Site is not under Transport Department (TD)'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.

## **Environment**

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

- (a) no comment on the application;
- (b) it is noted that the temporary car park is intended for private car use (each parking space of 5m x 2.5m) which does not involve generation of heavy vehicles;
- (c) 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"; and
- (d) there was no environmental complaint related to the Site received in the past three years.

## **Drainage**

### 8.1.4 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) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) there is no existing DSD maintained public drain available for connection in the area. The applicant 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; sufficient openings should be

provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems 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;

- (d) there is existing public sewers in the vicinity of the Site; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought.

### **Water Supply**

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

- (a) no objection to the application; and
- (b) for provision of water supply to the applied use, 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.

### **Fire Safety**

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

- (a) no in-principle objection to the application subject to fire service installations (FSIs) being provided to the satisfaction of Fire Services Department (FSD); and
- (b) in consideration of the design/nature of the application, FSIs are anticipated to be required. Therefore, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs to the FSD for approval. The applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (ii) the locations of the proposed FSIs to be installed should be clearly marked on the layout plans.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Commissioner of Police;
- (c) Chief Engineer/Consultants Management, Drainage Services Department;
- (d) Project Manager/North, Civil Engineering and Development Department;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (f) Director of Agriculture, Fisheries and Conservation;
- (g) Director of Electrical and Mechanical Services; and
- (h) District Officer/Tai Po, Home Affairs Department.

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

On 22.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

## **10. Planning Considerations and Assessments**

10.1 The application is for a temporary private car park in the “V” zone of Sha Lan for a period of three years. Whilst the proposal 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, DLO/TP of LandsD has no objection to the application and advises that there is no Small House application received for the Site. According to the applicant, there is a lack of car parking spaces in the village concerned. Given the temporary nature of the applied use, 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 Site is flat, hard-paved and abuts a local access leading to Sha Lan Road. It is situated within the village proper of Sha Lan and bounded by village houses to its immediate east and south. The surrounding areas are predominantly rural in character with village houses, fallow/active agricultural land and tree groups. Given the relatively small scale of the applied use providing six parking spaces for private cars only, it is unlikely that it would generate significant environmental nuisance. DEP has no comment on the application and advises that no environmental complaint related to the Site has been received in the past three years. Other relevant Government departments consulted including C for T, CE/C of WSD, CE/MN and CE/CM of DSD, CHE/NTE of HyD, DAFC, D of FS and C of P have no objection to/no adverse comment on the application.

- 10.3 To minimize any potential environmental nuisance generated by the temporary private car park and ensure that it would not degrade the environmental quality of the rural surroundings, approval conditions restricting the types of vehicles and prohibiting workshop-related activities are recommended in paragraphs 11.2 (a) and (b) below should the application be approved by the Committee. 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 by the Planning Authority. 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 There is no public comment received on the application during statutory public inspection period.

## 11. **Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10, the Planning Department considers that the temporary use under application could be tolerated for a period of 3 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 3 years until 3.5.2022. 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 on the site at any time during the planning approval period;
- (b) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) 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 3.11.2019;
- (d) 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 3.11.2019;
- (e) in relation to (d) 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 3.2.2020;

- (f) the submission of fire service installations (FSIs) 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 3.11.2019;
- (g) in relation to (f) above, the implementation of FSIs 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 3.2.2020;
- (h) if any of the above planning conditions (a) or (b) 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
- (i) if any of the above planning conditions (c), (d), (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.

#### Advisory Clauses

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

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

- the applied use 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 this 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 condition(s) and advisory clause(s) to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 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 and attachments received on 14.3.2019
Appendix Ia	Further information received on 26.3.2019
Appendix II	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
Drawing A-2	Access Plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT  
MAY 2019**