

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/671

<u>Applicants</u>	Messrs. WONG Chi Hing and WONG Yun Hung, all represented by Mr. HUI Kwan Yee
<u>Site</u>	Lots 276 S.B RP and 277 in D.D. 8, Tai Yeung Che, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	About 1,392.3 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Proposed Temporary Private Car Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants, the managers of Wong Tak Hing Tong (黃德慶堂) and Wong Wan Ming Tso (黃運明祖), seek planning permission for a proposed temporary private car park (private cars and light goods vehicles (LGVs) 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. The Site is currently vacant.
- 1.2 According to the applicants, a total of 32 parking spaces for private cars and LGVs will be provided within the Site to serve local residents. No structure is proposed at the Site. The operation hours of the temporary carpark is 24 hours daily. The Site is accessible from Tai Yeung Che Road via a local track. A plan showing the layout and vehicular ingress/egress of the proposed car park is at **Drawing A-1**.
- 1.3 In support of the application, the applicants have submitted the following documents:

- (a) application form and attachments received on (Appendix I) 23.7.2019
- (b) further information received on 10.9.2019 (Appendix Ia) providing responses to departmental comments (*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 9 of the application form and further information at **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) the proposed temporary car park is for villagers' convenience only as there are insufficient parking spaces in Tai Yeung Che; and
- (b) in response to Water Supplies Department (WSD)'s comments, the applicants provide elaboration on the proposed development and propose to implement preventive measures as follows:
 - (i) the proposal is for a temporary car park for private cars and LGVs only and no other vehicles including oil tankers are allowed to be parked at the Site;
 - (ii) the Site will only be used for parking of vehicles. No other activities including vehicle inspection, maintenance, repairing and washing are permitted at the Site;
 - (iii) the Site would be surrounded by kerbs and drains. Fencing would also be erected along the site boundary;
 - (iv) the use and storage of any chemicals including laticidal oil, rodenticide and fertilizers as well as pesticides, toxicants, flammable solvents, tar and petroleum oil are not allowed at the Site;
 - (v) all solid waste and sludge would not be left over within the Site and the water gathering ground (WGG);
 - (vi) car park users would be clearly informed about the need to drive away their cars if there is any oil leakage;
 - (vii) oil and grease decontamination kit such as absorbent pads would be provided at the Site to minimize potential pollution impact. If considered necessary by WSD, grease trap and petrol interceptor would also be provided;
 - (viii) no toilet facilities would be provided at the Site and adverse sewage impact is not anticipated;

- (ix) should pollution be detected in future, the temporary car park would immediately be closed. Environmental assessments would be carried out to WSD's satisfaction;
- (x) regular site inspection would be conducted to ensure the implementation of necessary preventive measures; and
- (xi) notice will be posted at prominent location within the Site reminding car owners and car park users the need to comply with all the regulations to ensure no pollution to the WGG.

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

The applicants are the sole "current land owners". 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) generally flat, partly paved and partly covered with grass with no trees;
- (b) situated within the village proper of Tai Yeung Che and surrounded by village houses; and
- (c) accessible from Tai Yeung Che Road via a local track.

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 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 Houses by indigenous villages. 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 consists of two private lots in D.D. 8, which are held under Block Government Lease demised for agricultural purpose, and no structure shall be erected thereon without the prior approval from LandsD;
- (c) the applicants are required to submit applications for short term waiver (STW) to LandsD should they wish to erect any structure on the Site. 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 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 thereto; and
- (e) no Small House application has been received in respect of the Site.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering view point;
- (b) the village access road 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; and

- (c) the applicants are reminded that sufficient space within the Site should be provided for manoeuvring of vehicles.

Environment

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

- (a) no comment on the application;
- (b) the applicants are 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” issued by the Environmental Protection Department (EPD); and
- (c) there is no environmental complaint related to the Site in the past three years.

Landscape

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

- (a) no comment on the application; and
- (b) as the Site does not fall in “landscape sensitive zonings and areas” and the proposed use is unlikely to create any adverse visual and landscape impact, it is considered not necessary to impose any landscape-related conditions should the application be approved by the Board.

Drainage

8.1.5 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) should the application be approved by the Board, a condition should be included to request the applicants to submit and implement the drainage proposal to the satisfaction of the Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no existing DSD maintained public drain available for connection in the area. The proposed development should have its own stormwater collection and discharge systems 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 applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) the applicants should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicants should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicants 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; and
- (e) the applicants are required to rectify/modify the drainage systems if they are found to be inadequate or ineffective during operation. The applicants 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.

Water Supply

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

- (a) the Site is located within the upper indirect WGG;
- (b) besides vehicle parking, other activities such as on-site vehicle inspection, maintenance, repairing or washing activities shall not be allowed in the proposed development;
- (c) noting that the applicants have undertaken to implement various preventive measures against water pollution to the upper indirect WGG (**Appendix Ia**), he has no objection to the application provided that the development should not cause any water pollution to the upper indirect WGG; and drainage traps such as grease trap and petrol interceptor should be provided in view of the risks of oil leakage and spillage due to vehicle parking; and
- (d) in addition, the applicants should be advised of the following preventive measures against water pollution to the upper indirect WGG:

- (i) no discharge of effluent or foul water into adjoining land, stormwater drain, channel, stream or river course is allowed. Such foul water or effluent shall be collected and disposed of outside WGG. All solids and sludge arising from the development shall be disposed of properly outside WGG. The use and storage of pesticides, toxicants, flammable solvents, tar and petroleum oil are strictly prohibited within the WGG. No chemicals including laticidal oil, rodenticide and fertilizers shall be used without prior approval from Water Authority. Oil leakage or spillage shall be prevented within WGG at all times; and
- (ii) fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown litters such as paper, plastic bags, bottles and boxes within the Site. The proposed car park shall be surrounded by kerbs and drains. Drainage traps shall be installed at each of the drainage outlets and shall be under proper maintenance. Besides, oil and grease decontamination kit such as absorbent pads shall be made available by the vehicle park owner to decontaminate any possible oil leakage or spillage.

Fire Safety

8.1.7 Comments of Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to the provision of fire service installations (FSIs) to his satisfaction; and
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans; and

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Commissioner of Police;
- (c) Director of Agriculture, Fisheries and Conservation;
- (d) Director of Electrical and Mechanical Services;
- (e) Project Manager/North, Civil Engineering and Development Department;
- (f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and

(g) District Officer/Tai Po, Home Affairs Department.

9. Public Comment Received During Statutory Publication Period (Appendix II)

On 30.7.2019, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received suggesting that the proposed use should be located underground/stacked up to free up spaces for the provision of community facilities for better land utilization.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed temporary private car park for a period of three years at the Site falling within the “V” zone on the OZP. Whilst the proposal 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, DLO/TP of LandsD has no objection to the application and advises that there is no Small House application received for the Site. Moreover, according to the applicants, the temporary private carpark is to serve the local residents of Tai Yeung Che. Given the temporary nature of the proposed use, approval of the application on a temporary basis for a period of three years would not jeopardize the long-term planning intention of the “V” zone.
- 10.2 The Site is located within the village proper of Tai Yeung Che. The temporary private car park will provide a total of 32 parking spaces for private cars and LGVs. The Site is partly paved and partly covered with grass and no trees are found within the Site. The proposed use is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**). The Site is located within the upper indirect WGG, and the applicants have undertaken to implement preventive measures against water pollution to the upper indirect WGG (**Appendix Ia**). CE/C of WSD has no objection to the application on condition that the development should not cause any water pollution to the upper indirect WGG and drainage traps such as grease trap and petrol interceptor should be provided in view of the risks of oil leakage and spillage due to vehicle parking. Given the relatively small scale of the proposed development, it is unlikely that it would generate significant environmental nuisance. Other relevant Government departments consulted including DEP, C for T, CHE/NTE of HyD, C of P, CTP/UD&L of PlanD, CE/MN of DSD, DAFC and D of FS have no objection to or no adverse comment on the application.
- 10.3 To minimize any possible environmental nuisance generated by the temporary private car park and ensure that it would not degrade the environmental quality of the rural surrounding, approval conditions restricting the types of vehicles, prohibiting workshop-related activities and requiring protection of WGG during the planning approval period are recommended in paragraphs 11.2 (a) to (e) below. The technical concerns of relevant Government departments on the application would also 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 unauthorized development on site will be subject to enforcement action taken by the Planning Authority.

Besides, the applicants 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” to alleviate any potential environmental impact.

10.4 There is no adverse public comment on the application.

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 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 three years until 20.9.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (b) only private cars and light goods vehicles 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;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars and light goods vehicles 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;
- (d) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the Site at any time during the planning approval period;
- (e) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (f) 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 20.3.2020;
- (g) 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 20.3.2020;

- (h) in relation to (g) 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 20.6.2020;
- (i) the submission of proposal on grease trap and petrol interceptor within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 20.3.2020;
- (j) in relation to (i) above, the implementation of proposal on grease trap and petrol interceptor within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 20.6.2020;
- (k) the submission of fire service installations 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 20.3.2020;
- (l) in relation to (k) above, the implementation of the fire service installations 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 20.6.2020;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) 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
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) 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 III**.

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 "Village Type Development" 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), if any, 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 applicants.

13. Attachments

Appendix I	Application form and attachments received on 23.7.2019
Appendix Ia	Further information received on 10.9.2019
Appendix II	Public comment
Appendix III	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicants
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**