

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/780

<u>Applicant</u>	:	Mr. LAM Kiu Chung (manager of Lam Yi Chan Tong (林義珍堂))
<u>Site</u>	:	Lots 1125 (part) and 1132 RP (part) in D.D. 7, Kau Liu Ha, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	:	About 961m 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>Zonings</u>	:	“Village Type Development” (“V”) (about 74% of the Site) “Agriculture” (“AGR”) (about 26% of the Site)
<u>Application</u>	:	Temporary Private Vehicle Park (Private Cars Only) and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary private vehicle park (PVP) (private cars only) and associated filling of land for a period of three years at the application site (the Site). The Site falls within an area largely zoned “V” (about 74%) with a minor portion zoned “AGR” (about 26%) on the OZP (**Plan A-1**). While ‘public vehicle park (excluding container vehicle)’ is a Column 2 use under the “V” zone, it is neither a Column 1 nor 2 use within the “AGR” zone. According to the covering 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). Filling of land within “AGR” zone also requires planning permission from the Board. The Site is hard-paved and currently occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Lam Kam Road via Hang Kai Lane (**Plan A-2**). According to the applicant, the temporary PVP provides 22 parking spaces for private cars serving local villagers. The operating hours of the applied use would be from 6am to 12am daily. The application involves filling of land of about 961m² with 0.11m in depth and the applicant also seeks to regularise filling of land within the “AGR” portion of the Site (about 248m²). Layout and vehicular ingress/egress plan, grease trap plan and stormwater drainage plan of the vehicle park submitted by the applicant are shown in **Drawings A-1 to A-3** respectively.

1.3 The Site is the subject of a previous application No. A/NE-LT/702 for the same use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022. Details of the previous application are set out in paragraph 5.1 below.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachment received on 21.3.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 24.3.2025 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I and Ia**, as summarised below:

- (a) the Site is the subject of a previous planning application No. A/NE-LT/702 approved by the Committee for the same use, and all time-limited approval conditions had been complied with. The planning permission lapsed as the applicant failed to apply for renewal of planning approval timely;
- (b) the temporary PVP serves local villagers as there are insufficient parking spaces in the vicinity of Kau Liu Ha Village;
- (c) the temporary PVP would not cause adverse impacts on the adjoining slope, traffic, drainage, water supply, landscape and environment. No tree felling will be involved; and
- (d) in case of fire emergency, there is a fire hydrant to the northeast of the Site.

3. Background

The Site is not subject to any active planning enforcement action.

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

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of the other “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Application

5.1 The Site is the subject of a previous application No. A/NE-LT/702 submitted by the same applicant for the same use, which was approved with conditions by the Committee of the Board on 14.1.2022 mainly on the considerations that only a small portion of the site was zoned “AGR”; the applied use on a temporary basis would not frustrate the long-term planning intentions of the “V” and “AGR” zones; the proposed use was not incompatible with the surrounding village setting, and significant environmental nuisance would

unlikely be generated. The planning permission lapsed on 15.1.2025. All time-limited approval conditions have been complied with. Compared with the previous application, the development parameters and layout of the applied use generally remain the same.

- 5.2 Details of the above previous application are summarised at **Appendix II** and the location is shown on **Plans A-1** and **A-2**.

6. **Similar Applications**

- 6.1 There are 11 similar applications (No. A/NE-LT/250, 314, 372, 403, 501, 511, 544, 715, 746, 757 and 766) covering eight sites for temporary public/private vehicle park use for a period of three years falling within the “V” and/or “AGR” zones in the vicinity of the Site (**Plan A-1**).
- 6.2 For the seven applications (No. A/NE-LT/250, 314, 372, 403, 501, 511 and 766) falling entirely within “V” zone, six applications (No. A/NE-LT/250, 314, 372, 403, 501 and 766) covering two sites were approved with conditions by the Committee between 2001 and 2024 mainly on the considerations that the proposed use was not incompatible with the surrounding land uses; the proposed/applied use was to serve the local villagers; no significant adverse traffic, environmental and drainage impacts on the surrounding areas were expected; the application was the subject of previous planning approval(s) and would not frustrate the planning intention of the “V” zone in the longer term. The remaining application No. A/NE-LT/511 was rejected by the Committee in 2014 mainly on the considerations that the proposed use was not in line with the planning intention of “V” zone and the applicant failed to demonstrate that the proposed use would not cause adverse geotechnical and drainage impacts on the surrounding areas.
- 6.3 For the three applications covering two sites that falls entirely within the “AGR” zone (No. A/NE-LT/715, 746 and 757), they were all rejected by the Committee/the Board on review between 2022 and 2023 mainly on the considerations that the proposed/applied use was not in line with the planning intention of the “AGR” zone, and the applicant(s) failed to demonstrate that the development would not cause adverse landscape/water quality impact on the area.
- 6.4 For the remaining application No. A/NE-LT/544 falling mainly within the “V” zone (about 93%) with a small portion in “AGR” zone (about 7%) was rejected by the Committee in 2015 mainly on the considerations that the proposed use was not in line with the planning intention of the “V” and “AGR” zones and the proposed vehicular access was located at the existing passing-bay at She Shan Road that was not acceptable from traffic engineering point of view.
- 6.5 Details of the similar applications are at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.6 There are other three similar applications for temporary vehicle park for a period of three years (No. A/NE-LT/774, 778 and 779) falling within the “V” or straddling “V” and “AGR” zones in the vicinity of the Site (**Plan A-1**), which will be considered by the Committee at this meeting.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) hard-paved and currently occupied by the applied use without valid planning permission;
- (b) situated at the eastern fringe of Kau Liu Ha Village; and
- (c) accessible from Lam Kam Road via Hang Kai Lane.

7.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, active/fallow farmlands, plant nurseries and tree clusters (Plan A-2**).**

8. Planning Intention

8.1 The planning intention of the “V” zone is to reflect existing recognized 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 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.

8.2 The planning intention of the “AGR” zone is primarily to 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.

8.3 As filling of land within “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are at **Appendices IV** and **V** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) she supports the application in view of the parking demand in the vicinity; and
- (b) her advisory comments are at **Appendix V**.

9.3 The following government department does not support the application:

Agriculture

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

- (a) the Site falls within an area zoned “AGR” and “V” and consists of cemented land used for vehicle parking. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available; and
- (b) the Site can be used for agricultural activities such as greenhouses and plant nurseries. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective.

10. Public Comment Received During Statutory Publication Period

On 28.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary PVP (private cars only) and associated filling of land for a period of three years filling of land at the Site largely zoned “V” (about 74%) with a minor portion zoned “AGR” (about 26%) on the OZP (**Plan A-1**). The proposed use is not in line with the planning intentions of the “V” and “AGR” zones, which are primarily intended for development of Small Houses by indigenous villagers; and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes respectively. DAFC does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation. It should be noted that only a relatively minor portion (about 26%) of the Site is zoned “AGR”. Nevertheless, the applicant advised that the proposed temporary PVP could serve the parking needs of local villagers and C for T supports the application in view of the parking demand in the vicinity. Besides, the District Lands Officer/Tai Po of Lands Department (DLO/TP, LandsD) advises that there is no Small House application received for the Site. In view of the above and taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves filling of land at the whole Site with about 0.11m in depth. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the application from public drainage and environmental planning perspectives respectively. As portion of the Site is zoned “AGR”, an approval condition requiring the reinstatement of that portion upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The Site is located at the eastern fringe of Kau Liu Ha Village, and accessible from Lam Kam Road via Hang Kai Lane. The proposed temporary PVP will provide a total of 22 parking spaces for private cars, which is considered not incompatible with the surrounding village setting predominated by village houses, temporary structures,

active/fallow farmlands, plant nurseries and tree clusters (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department advises that significant adverse impact on existing landscape resources is not anticipated.

- 11.4 The Site is located within the upper indirect WGG. DEP and Chief Engineer/Construction of Water Supplies Department have no objection to/no comment on the application on condition that the development should not cause any water pollution to the upper indirect WGG. Other relevant government departments consulted including the Director of Fire Services have no objection to or adverse comment on the application. To address the technical requirements of concerned government departments, approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix V** respectively.
- 11.5 The Site is the subject of a previous application No. A/NE-LT/702 submitted by the same applicant for the same use as the currently application, which was approved by the Committee of the Board on 14.1.2022 mainly on the considerations as detailed in paragraph 5.1 above. The planning permission lapsed on 15.1.2025. The planning circumstances of the current application are similar to those of the approved previous application. As such, approval of the current application is in line with the Committee's previous decision.
- 11.6 There is one similar application (No. A/NE-LT/544) for temporary PVP use for a period of three years straddling "V" and "AGR" zones in the vicinity of the Site which was rejected by the Committee in 2015 mainly on technical grounds (i.e. traffic engineering aspect). The planning considerations of the rejected similar application are different from that of the current application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, 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 until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of condition records of the existing drainage facilities implemented on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.8.2025;
- (b) in relation to (a) above, the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of preventive, control and mitigation measures identified in the accepted risk assessment report on pollution or contamination to the Water Gathering Ground at any time during the planning approval period;
- (d) the proposed use 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 fire service installations (FSIs) 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 2.11.2025;
- (f) in relation to (f) above, the implementation of the FSIs 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 2.2.2026;
- (g) if the above planning condition (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;
- (h) if any of the above planning condition (a), (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the “Agriculture” portion of the application site, including the removal of fill materials and hard paving, and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 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 development of Small Houses by indigenous villagers. It is also 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. There is no strong planning justification in the submission to justify 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 the 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.
- 13.2 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

Appendix I
Appendix Ia

Application Form with Attachments received on 21.3.2025
SI received on 24.3.2025

Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Appendix VI	“Requirements of Fireman’s Emergency Switch” issued by Fire Services Department
Drawings A-1 to A-3	Layout Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
MAY 2025