

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/NE-HT/19

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| <u>Applicant</u> | : Mr. WONG Wong Sang |
| <u>Site</u> | : Lot 292 in D.D. 76, Sze Tau Leng, Fanling, New Territories |
| <u>Site Area</u> | : 2,180 m ² (about) |
| <u>Land Status</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Draft Hok Tau Outline Zoning Plan (OZP) No. S/NE-HT/6 |
| <u>Zoning</u> | : “Village Type Development” (“V”) |
| <u>Application</u> | : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car) for a Period of 3 Years until 31.5.2025 |

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for a temporary public vehicle park (private car) for a further period of three years until 31.5.2025 (**Plan A-1**). The Site falls within an area zoned “V” on the draft Hok Tau OZP No. S/NE-HT/6. According to the Notes of the OZP, ‘Public Vehicle Park (Excluding Container Vehicle)’ is a Column 2 use within the “V” zone that requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 31.5.2022.
- 1.2 The temporary vehicle park comprises 38 parking spaces (measuring 2.5m x 5m each) for private cars and 2 staff parking spaces (measuring 2.5m x 5m each) and 2 container-converted structures for ancillary site offices use (about 2.5m in height) with a total floor area of about 30m² are proposed within the Site (**Drawing A-1**). The current development proposal is the same as the previous approval in terms of the applied use, site layout and the development parameters. The temporary public vehicle park operates 24 hours daily to meet the parking demand of the local villagers/residents. The Site is accessible via a local track to Sha Tau Kok Road (**Drawing A-2**). The applicant submitted a site layout plan in support of the application (**Drawing A-1**).
- 1.3 The Site is the subject of a previous application (No. A/NE-HT/10) for a temporary public vehicle park (private car) approved on 31.5.2019 submitted by the same applicant under the current application. The applicant has complied with all the approval conditions.

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

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| (a) | Application form with attachments received on 6.4.2022 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 11.4.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 11.5.2022 | (Appendix Ib) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Justification (Section 7 of the Application Form) and Supplementary Information at **Appendices I and Ia**. They can be summarized as follows:

- (a) the temporary public vehicle park was approved by the Board in 2019 for a period of 3 years to meet the parking demand of local residents/villagers and has been operating smoothly and is well-maintained, thus illegal parking issues have been minimized in the vicinity of the Site;
- (b) public transport is very limited, the applied use could serve the parking needs of the local villagers/residents;
- (c) the applicant undertakes to maintain the parking facilities and to minimise adverse traffic impacts to the surrounding areas; no adverse environmental impact to the surrounding area is anticipated; and
- (d) the applicant has complied with all planning conditions under the previous approval within the specified time limits.

3. 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by posting site notice at the Site and sending registered post to the Fanling District Rural Committee. 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 extract of the Guidelines is attached at **Appendix II**.

5. Previous Application

- 5.1 The Site in whole is involved in one previously approved application (No. A/NE-HT/10) submitted by the same applicant for the same applied use under the current application. The application was approved by the Committee on 31.5.2019 mainly on the grounds that the applied use is not incompatible with the surrounding land uses, unlikely to cause environmental impacts; and the concerned government departments had no adverse

comments. All approval conditions imposed on the application have been complied with and the planning permission is valid until 31.5.2022.

- 5.2 Details of the previous application is summarized at **Appendix III** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary public vehicle park and related use(s) within or partly within the “V” zone in the vicinity of the Site in the Hok Tau area.

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

7.1 The Site is:

- (a) flat, formed and fenced off;
- (b) currently used for parking of vehicle and are occupied by temporary structures used for ancillary site offices; and
- (c) accessible from Sha Tau Kok Road via local tracks (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) the surrounding land uses are predominantly rural in character intermixed with village houses, parking of vehicles, tree groups and fallow agricultural land;
- (b) to the northwest and southwest are existing village clusters of Sze Tau Leng Village;
- (c) to the immediate west is a public toilet and across which is an area being used for parking of vehicles; and
- (d) to the south is a stream running from the east to west to Tan Shan River which is an Ecologically Important Stream (EIS) in the vicinity of the Site (**Plans A-1 and A-2**).

8. Planning Intention

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

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.

9.2 The following government department has the following comments on the application.

9.2.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- he has consulted the locals regarding the application. The Chairman, First Vice-Chairman and the Vice-Chairman of the Fanling District Rural Committee and the Villager Representative of Leng Pei Tsuen object to the application mainly on the grounds that the applied use would cause environmental nuisances to the nearby residents and adverse traffic impact and threaten the safety of pedestrians. The incumbent North District Councilor of N18 Constituency and the Resident Representative (RR) of Sze Tau Leng support the application and state that residents have demand on parking space and the provision of a carpark can minimise adverse traffic impacts. The Chairman of Lung Shan Area Committee had no comment on the application.

10. Public Comments Received During Statutory Publication Period (Appendix VI)

On 19.4.2022, the application was published for public inspection. During the statutory public inspection period, five public comments were received. The Chairman of Sheung Shui District Rural Committee has no comment on the application. The Chairman, First Vice-Chairman and Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds that the applied use would cause adverse traffic and environmental impacts. The remaining comment from an individual object to the application mainly on the grounds that the applied use would cause traffic congestion, environmental pollution, and increase the risk of fire.

11. Planning Considerations and Assessments

11.1 The application is for renewal of a planning permission for a temporary public vehicle park for a further period of three years at the Site zoned “V” on the OZP. While the public vehicle park is not entirely in line with the planning intention of the “V” zone, it could serve the local villagers/residents for meeting their parking needs of the area. DLO/N, LandsD has no objection to the application and advised that there is no Small House application for the Site. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone.

11.2 The vehicle park is considered not incompatible with the surrounding rural environment mainly comprising village houses, temporary structures, tree clusters and fallow agricultural land. Significant adverse landscape impact arising from the development is not anticipated. In this regard, CTP/UD&L, PlanD has no objection to the renewal application from the landscape planning perspective. DEP has no objection to the application, but advises that the applicant should follow ProPECC PN 5/93 to prevent water pollution to the surrounding area and the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” to minimize any potential

environmental impacts. Other relevant government departments consulted including C for T, CE/MN of DSD, CE/C, WSD, DAFC and D of FS, have no comment on/no objection to the renewal application.

- 11.3 The Site is the subject of a previous application (No. A/NE-HT/10) for the same use submitted by the same applicant. 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 is not unreasonable.
- 11.4 Regarding the local comments conveyed by DO(N) of HAD and public comments on the application as detailed in paragraphs 9.2.1 and 10 above, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local comments conveyed by DO(N), HAD and public comments as detailed in paragraphs 9.2.1 and 10 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 3 years and **be renewed from 1.6.2022 to 31.5.2025**. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the Site at any time during the planning approval period;
- (b) the maintenance of the existing boundary fencing within the Site properly at all times during the planning approval period;
- (c) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period;
- (d) the submission of a drainage proposal within 6 months from the commencement date of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.12.2022;
- (e) the provision of drainage facilities within 9 months from the commencement date of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.3.2023;
- (f) if any of the above planning conditions (a), (b) or (c) 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
- (g) if the above planning conditions (d) or (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.

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 continued occupation of the Site for the development is not in line with the planning intention of the "V" zone which 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. There is no strong planning justification in the submission to justify a departure from the planning intention, 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.

13.3 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.

14. Attachments

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| Appendix I | Application form with attachments received on 6.4.2022 |
| Appendix Ia | Supplementary Information received on 11.4.2022 |
| Appendix Ib | Further Information received on 11.5.2022 |
| 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 s.16 Application |
| Appendix IV | Government Departments' General Comments |
| Appendix V | Recommended Advisory Clauses |
| Appendix VI | Public Comments |
| Drawing A-1 | Proposed Layout Plan |
| Drawing A-2 | Vehicular Access to the Site |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a & A-4b | Site Photos |

**PLANNING DEPARTMENT
MAY 2022**