

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/606

<u>Applicant</u>	Mr. MAN King Chuen, Manager of Man Pok Hau Tong
<u>Site</u>	Lots 50 (Part) and 68 RP in D.D. 7, Tai Hang Village, Tai Po, New Territories
<u>Site Area</u>	About 620.6 m ²
<u>Plan</u>	Approved Kau Lung Hang Outline Zoning Plan No. S/NE-KLH/11
<u>Zoning</u>	"Village Type Development" ("V")
<u>Application</u>	Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary private vehicle park (private cars only) for a period of three years. The Site falls within "V" zone on the approved Kau Lung Hang OZP No. S/NE-KLH/11 (**Plans A-1 and A-2**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 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 car parking with canopies without planning permission.
- 1.2 The Site comprises two portions accommodating 28 private parking spaces (5m x 2.5m each) with canopies for private cars. It is accessible via a public vehicle park which was approved under Application No. A/NE-KLH/601 and a local track leading to Tai Wo Service Road West. The applied use will open 24 hours daily. The site layout and access plans submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 In support of the application, the applicant submitted an application form with attachments (**Appendix I**) on 13.4.2022.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the application form at **Appendix I** as summarized below:

- (a) the Site has been used as parking spaces for residents of the nearby Prince Garden and Tai Hang Garden. The applied use could reduce illegal parking to avoid blockage to local traffic and will also avoid wastage of vacant land resources; and
- (b) consent for accessing the Site has been obtained from land owner of the adjacent lot.

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

The applicant is one of the “current land owners” of the Site. He 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) to give notification to the other owner by sending notice to Tai Po Rural Committee and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is part of the subject of an active enforcement case (No. E/NE-KLH/161) against unauthorized car parking use. An Enforcement Notice (EN) was issued on 16.9.2021 requiring the discontinuance of the unauthorized development by 16.12.2021.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Application**

- 6.1 There is one similar application (No. A/NE-KLH/601) for temporary public vehicle park with 145 parking spaces within the same “V” zone in the vicinity of the Site (**Plan A-1**), which was approved by the Rural & New Town Planning Committee (the Committee) on 24.12.2021 for a temporary period of three years. The application was approved mainly on consideration that the proposal would not frustrate the long-term planning intention of the “V” zone, and no adverse impacts on the surrounding areas will be caused.
- 6.2 Details of the similar application are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.
- 6.3 There is another application (No. A/NE-KLH/607) for a temporary public vehicle park (private cars only) in the vicinity of the Site, which will be considered by the Committee at the same meeting with the current application.

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

7.1 The Site:

- (a) comprises two portions, both of which are flat, paved and currently used for car parking with canopies;
- (b) falls within the upper indirect Water Gathering Grounds (WGG) and is located mostly within the village ‘environs’ (‘VE’) of Tai Hang Village (about 82%); and
- (c) is accessible via an adjacent temporary car park (approved under Application No. A/NE-KLH/601) and a local track connecting with Tai Wo Service Road West.

7.2 The surrounding areas are uses predominantly rural in character comprising village houses, active/fallow agricultural land and vacant land.

8. 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.

9. Comments from Relevant Government Departments

All 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 provided in **Appendices III** and **IV** respectively.

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

On 22.4.2022, the application was published for public inspection. During the statutory public inspection period, a total of 10 comments were received. Seven individuals and Tai Hang Village Office support the application mainly on the grounds that the applied use has been used for resident’s daily need for a long time; would avoid illegal parking; and would not cause adverse impacts. The remaining two comments raise objection to the application for reasons that it would cause adverse fire safety, traffic and environmental impacts to the nearby villagers and affect the living quality.

11. Planning Considerations and Assessments

11.1 This application is to regularize a temporary private vehicle park (private cars only) for a period of 3 years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of Small Houses by

indigenous villagers. According to the applicant's submission, the applied use is to serve nearby residents. District Lands Officer/Tai Po, Lands Department advises that there is no Small House application received for the Site and has no objection to the application. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "V" zone.

- 11.2 The Site is used for car parking purpose and is located in close proximity to the existing village houses (**Plans A-2 and A-3**). The applied use is not incompatible with the surrounding land uses which are predominantly village houses and active/fallow agricultural land. Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment from landscape planning point of view. Commissioner for Transport has no objection to the application from traffic engineering point of view. Director of Environmental Protection also has no objection to the application and advises that no environmental complaint has been received in the past three years.
- 11.3 The Site falls within the upper indirect WGG. Chief Engineer/Construction, Water Supplies Department has no objection to the application, and advises that the applicant shall provide a risk assessment report to prove and demonstrate to the satisfaction of the WSD that there will be no material increase in pollution effect and contamination to the WGG resulting from the applied use. Other relevant departments have no objection to/adverse comment on the application.
- 11.4 The Site is currently used for the applied use without valid planning permission and is subject to planning enforcement action. EN was issued on 16.9.2021 requiring discontinuance of the use of parking vehicles by 16.12.2021. Approving this application would facilitate regularization of the use and put it under proper control and monitoring through imposition of planning conditions to ensure no adverse impact would be caused in the locality. It would also help address the parking demand in the area in coordinated manner thereby relieving the risk of illegal parking in the area.
- 11.5 There is one similar application for temporary public vehicle park within the same "V" zone in the vicinity of the Site, which was approved on 24.12.2021. The circumstances for approving the similar application as mentioned in paragraph 6 above are largely applicable to the current application.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, comments of government departments and the 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 public comments mentioned in paragraph 10, the Planning Department considers that the temporary private vehicle park could be tolerated for a period of three years.

- 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 10.6.2025. 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 as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) the submission of a 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 10.12.2022;
- (d) in relation to (c) above, the provision of drainage facilities 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 10.3.2023;
- (e) the submission of proposal for water supplies for fire-fighting and fire service installations 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 10.12.2022;
- (f) in relation to (e) above, the provision of water supplies for fire-fighting and fire service installations 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 10.3.2023;
- (g) the submission of a risk assessment report on contamination of Water Gathering Grounds 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 10.12.2022;
- (h) in relation to condition (g) above, the implementation of mitigation measures identified therein 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 10.3.2023;
- (i) 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
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) 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 IV**.

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

- the development is not in line with the planning intention of the "Village Type Development" 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 for a departure from such 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

Appendix I	Application form with attachments received on 13.4.2022
Appendix II	Similar application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout 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