

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/607

- Applicant** : Mr. MAN Kam Wing
- Site** : Lot 48 RP (Part) in D.D. 7, Tai Hang Village, Tai Po, New Territories
- Site Area** : About 337.5 m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zoning** : "Village Type Development" ("V")
- Application** : Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary public vehicle park (private cars only) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned "V" on the approved Kau Lung Hang OZP No. S/NE-KLH/11. According to the Notes of the OZP, 'public vehicle park (excluding container vehicle) within "V" zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 According to the applicant, there will be 18 parking spaces (5m x 2.5m each) for private cars within the proposed temporary public vehicle park, which will open 24 hours daily. Each parking space will be covered by a canopy of about 2.5m high. The Site is accessible via a local track linking with a public vehicle park which was approved under Application No. A/NE-KLH/601 and Tai Wo Service Road West. The site layout and access plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted an application form with attachments (**Appendix I**) on 21.4.2022.

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 for car parking purpose for years without blockage of access road or receipt of complaints;
- (b) there are not enough parking spaces to serve the nearby residents, even after the approval of another temporary public vehicle park (Application No. A/NE-KLH/601);
- (c) the proposed use could reduce illegal parking, better utilize land resources and avoid blockage to local traffic;
- (d) the Site is currently vacant without trees and structures, surrounded by village houses and accessible via a local vehicular track; and
- (e) consent for accessing the Site has been obtained from the adjacent lot.

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

The applicant is one of the “current land owners”. 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 notify the other owners by sending notice to the Tai Po Rural Committee and by 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 a similar application (No. A/NE-KLH/601) for temporary public vehicle park with 145 parking spaces within the “V” zone in the vicinity of the Site (**Plans A-1**), which was approved by the Rural & New Town Planning Committee (the Committee) on 24.12.2021 for a 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.
- 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/606) for a temporary private vehicle park (private cars only) to the south 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-3 and photos on A-4a)

7.1 The Site is:

- (a) flat, vacant and largely paved with some groundcovers along the northern boundary;
- (b) within the upper indirect Water Gathering Grounds (WGG) and entirely outside the village ‘environs’ (‘VE’) of Tai Hang Village; and
- (c) accessible via a local track linking with a nearby car park mentioned in paragraph 6.1 above and Tai Wo Service Road West.

7.2 The surrounding areas are predominantly rural in character comprising active/fallow agricultural land, village houses 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 29.4.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, a total of 34 public comments were received. Amongst them, 32 comments including 26 submitted by residents of Tai Hang Village in form of standard letters (sample at **Appendix V-1**) and six other individuals support the application (**Appendix V-2** to **Appendix V-7**) mainly on the grounds that the proposed use will address the increasing parking demand in the village, provide convenience to residents and enhance the overall accessibility of the area. The remaining two comments (**Appendix V-8** to **Appendix V-9**) from individuals object to the application mainly on the concerns of adverse traffic, fire safety and environmental impacts, and non-compliance with the planning intention of the “V” zone.

11. Planning Considerations and Assessments

- 11.1 This application is for a temporary public vehicle park (private cars only) at the Site zoned “V” on the OZP (**Plan A-1**). The planning intention of the “V” zone is primarily for development of Small Houses by indigenous villagers. According to the applicant’s justifications, the proposed 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 proposed use is considered not incompatible with the surrounding land uses which are predominantly rural in character. Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application from landscape planning point of view. Commissioner for Transport has no objection 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 (CE/C, WSD) has no objection to the application subject to condition of providing 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 proposed use. Other relevant departments have no objection to/adverse comment on the application.
- 11.4 The Site is part of the subject of an active enforcement case against unauthorized car parking use. EN was issued on 16.9.2021 requiring discontinuance of the use of parking vehicles by 16.12.2021. Approving this application would facilitate proper control and monitoring of car parking use through imposition of planning conditions to ensure no adverse impact would be caused in the locality. It would also help address the parking 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 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 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 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 21.4.2022
Appendix II	Similar application
Appendix III	Government departments' general comments
Appendix IIIa	Conditions for Working within Gathering Grounds
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout 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
JUNE 2022**