

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/610

- Applicant** : Mr. LIAO Bingzhao represented by WinLi Group Limited T/A WinLi Consulting Engineers
- Site** : Lots 991 S.B, 991 S.C RP and 991 RP (Part) in D.D. 9, Nam Wa Po, Tai Po, New Territories
- Site Area** : About 548.75 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 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) to serve nearby villagers for a period of three years. The Site falls within "V" zone on the OZP (**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 parking of vehicles.
- 1.2 According to the applicant, there will be 14 private parking spaces (5m x 2.2m each) for private cars only to serve villagers and residents of Nam Wa Po. No structures will be erected within the Site. The Site is accessible via a local track leading to Tai Wo Service Road West. The applied use will open 24 hours daily. The site layout and access plan submitted by the applicant are at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 17.6.2022 (Appendix I)
- (b) Supplementary information received on 24.6.2022 (Appendix Ia)

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 and supplementary information at **Appendix I** and **Appendix Ia** respectively as summarized below:

- (a) there are not enough parking spaces to serve the nearby residents of Nam Wa Po Village and Blossom Villas; and
- (b) the applied use could reduce illegal parking and avoid blockage to local traffic.

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

The applicant is not a “current land owner” but 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 and sending notice to the Tai Po Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is part of the subject of a planning enforcement case (No. E/NE-KLH/148) against unauthorized car parking use. An Enforcement Notice (EN) was issued on 12.4.2021 requiring the discontinuance of the Unauthorized Development (UD). The UD was discontinued with Compliance Notice (CN) issued on 15.9.2021.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are three similar applications (No. A/NE-KLH/382, 411 and 422) covering two sites for temporary private car park within the same “V” zone in the vicinity of the Site, which were all approved by the Rural and New Town Planning Committee (the Committee) on 10.7.2009, 30.7.2010 and 10.12.2010 respectively. The applications were approved mainly on consideration that the temporary vehicle park would not frustrate the long-term planning intention of the “V” zone and no adverse impacts on the surrounding areas were anticipated. However, these applications were subsequently revoked due to non-compliance with the approval conditions in relation to the submission of landscape proposal and proposals of preventive measures against pollution within Water Gathering Grounds (WGG).

6.2 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

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

7.1 The Site is:

- (a) flat, paved and currently used for parking of vehicles;
- (b) within indirect WGG; and
- (c) accessible via a local track connecting to Tai Wo Service Road West.

7.2 The surrounding areas are predominantly rural in character comprising village houses, car parks (some with carports) and vacant/unused 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 29.6.2022, the application was published for public inspection. During the statutory public inspection period, a total of 10 comments from individuals were received. Amongst which, 8 object to the application mainly for the reasons of adverse fire safety, traffic and environmental impact and light pollution to the nearby villagers; concerns on road and pedestrian safety; and affecting the living quality. One comment attaches a petition letter with 14 signatures opposing the application for similar reasons above. The remaining one comment involving 40 signatures provides views on the application that there is insufficient car parking spaces in the village.

11. Planning Considerations and Assessments

11.1 This application is for 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 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. Although the applied use is not entirely in line with the planning intention of the “V” zone, the development could serve the local villagers and residents for meeting their car parking needs. District Lands Officer/Tai Po of Lands Department advises that there is no Small House application received at the Site and has no objection to the application. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The applied use is not incompatible with the surrounding land uses which are predominated by village houses, car parks and vacant/unused land. Chief Town Planner/Urban Design and Landscape of Planning Department and Commissioner for Transport have no objection to the application. Also, there is no environmental complaint against the Site has been received in the past three years.
- 11.3 The Site falls within the upper indirect WGG. Chief Engineer/Construction, of Water Supplies Department has no objection to the application, and suggests to impose approval conditions requiring the submission of a risk assessment report and implementation of mitigation measures identified therein to ensure that there will be no material increase in pollution effect and contamination to the WGG arising from the applied use. Relevant approval conditions are also recommended in paragraph 12.2 below to address technical comments of Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services. Other relevant departments have no objection to or no adverse comment on the application. Any non-compliance with the approval condition will result in revocation of the planning permission and UD on the Site will be subject to enforcement actions by the Planning Authority. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 11.4 Given that there are three similar approved applications within the same “V” zone, approval of the application is generally in line with the Committee’s previous decisions. The circumstances for approving the similar applications as mentioned in paragraph 6.1 above are applicable to the current application.
- 11.5 Regarding the objecting 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 12.8.2025. 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, as proposed by the applicant, 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 12.2.2023;
- (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 12.5.2023;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 12.2.2023;
- (g) in relation to (f) 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 12.5.2023;
- (h) 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 12.2.2023;
- (i) in relation to condition (h) 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 12.5.2023;
- (j) if any of the above planning conditions (a), (b) 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
- (k) if any of the above planning conditions (c), (d), (f), (g), (h) or (i) 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 17.6.2022
Appendix Ia	Supplementary information received on 24.6.2022
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout and 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