

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/626

- Applicant** : Allied China (H.K.) Limited represented by Goldrich Planners and Surveyors Ltd.
- Site** : Lot 654 RP (Part) in D.D. 7, Wai Tau, Tai Po, New Territories
- Site Area** : About 1,515m²
- 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 and Light Goods Vehicles) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary public vehicle park (private cars and light goods vehicles) for a period of five years. The Site falls within “V” zone on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ use is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site comprises a total of 39 parking spaces, of which 29 (5m (L) x 2.5m (W) each) are for private cars, and 10 (7m (L) x 3.5m (W)) for light goods vehicles (not exceeding 5.5 tonnes). The operation hours are 24 hours daily (including public holidays). It is accessible via a local track leading to Tai Wo Service Road West. The location plan, layout plan and vehicular access plan submitted by the applicant are shown in **Drawings A-1 to A-3** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)**
2.6.2023
 - (b) Supplementary Information (SI) received on **(Appendix Ia)**
6.6.2023
 - (c) Further Information (FI) received on 11.7.2023 **(Appendix Ib)**
 - (d) FI received on 13.7.2023 **(Appendix Ic)**
 - (e) FI received on 8.8.2023 **(Appendix Id)**

- 1.4 On 28.7.2023, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application for a period of two months to allow more time for the applicant to address departmental comments.

2. Justifications from the Applicant

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

- (a) the applied use will serve the needs of the villagers and in support of village development. The applied use could reduce illegal roadside parking in the vicinity;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked at the Site. Only private cars and light goods vehicles not exceeding 5.5 tonnes are allowed to enter the Site;
- (c) the site area is revised from 1,565m² to 1,515m² (by excluding the western portion of the Site which overlaps with the building layout of the concerned building licenses) and no vehicle passing-bay is proposed (**Appendix Ib**). The applicant will liaise with the concerned lot owner(s) for the right of access over these lots;
- (d) the estimated daily vehicular trips to/from the Site are about 25, and adequate manoeuvring space is provided within the Site. No reversing or tailback anticipated and no traffic impact would be incurred on the existing road network; and
- (e) there would be no adverse sewerage impact on the surroundings, as no sewage will be generated from the operation and maintenance of the applied use. Relevant preventive measures are proposed and details are set out at **Appendices Ia and Ic**.

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

The applicant is not the “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 notice on the Site and sending notice to Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is part of the subject of an active planning enforcement case (No. E/NE-KLH/153) against unauthorized development (UD) involving car parking use (**Plan A-**

2). An Enforcement Notice (EN) was issued on 13.3.2023 requiring the discontinuance of the UD. According to the site inspection, the UD still continued upon expiry of the notice, prosecution action may be followed.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same “V” zone in the vicinity of the Site.

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

7.1 The Site:

- (a) is flat, paved and currently used for car parking;
- (b) falls within the upper indirect Water Gathering Grounds (WGG) and the village ‘environs’ (‘VE’) of Wai Tau Village; and
- (c) is accessible via a local track connecting with Tai Wo Service Road West.

7.2 The surrounding areas are predominantly rural in character comprising village houses, 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 departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices II** and **III** respectively.

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

On 9.6.2023, the application was published for public inspection. During the statutory public inspection period, a total of four comments were received from individuals objecting the application mainly for reasons that it would cause adverse noise,

pedestrian safety, traffic and environmental impacts to the nearby villagers and affect the living quality; and there is no precedent planning approval for car parking use in the vicinity.

11. Planning Considerations and Assessment

- 11.1 This application is for a temporary public vehicle park (private cars and goods vehicles) for a period of five 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. District Lands Officer/Tai Po, Lands Department advises that there is no Small House application received for the Site. As the applied use is for five years, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone.
- 11.2 The Site is currently paved and used for car parking purpose (**Plans A-2 and A-3**). The applied use is not incompatible with the surrounding land uses which are predominantly village houses, fallow agricultural land and vacant land. Commissioner for Transport has no objection to the application from traffic engineering perspective. Director of Environmental Protection also has no objection to the application.
- 11.3 The Site falls within the upper indirect WGG. Chief Engineer/Construction, Water Supplies Department (WSD) has no objection to the application having reviewed the FIs submitted by the applicant (**Appendices Ia and Ic**), 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. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) requires an approval condition of submission and implementation of a drainage proposal to the satisfaction of DSD to be imposed to ensure that it will not cause adverse drainage impact to the surroundings. Other relevant departments including Chief Highway Engineer/New Territories East of Highways Department and District Officer (Tai Po) of Home Affairs Department 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. Approving this application would facilitate regularization of the use and put it under proper control and monitoring through imposition of planning conditions to ensure that no adverse impact would be caused in the locality. It would also help address the parking demand in the area in a coordinated manner.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, comments of government departments and the planning assessment above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment 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 five years until 22.9.2028. 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 or enter/exit the Site at any time during the planning approval period;
- (b) only private cars and light goods vehicles not exceeding 5.5 tonnes defined in the Road Traffic Ordinance, as proposed by the applicant, are 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 22.3.2024;
- (d) in relation to (c) above, the implementation of the drainage proposal 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 22.6.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a 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 22.3.2024;
- (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 22.6.2024;
- (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 22.3.2024;

- (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 22.6.2024;
- (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 III**.

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 "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 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

Appendix I	Application form with attachments received on 2.6.2023
Appendix Ia	SI received on 6.6.2023
Appendix Ib	FI received on 11.7.2023
Appendix Ic	FI received on 13.7.2023

Appendix Id	FI received on 8.8.2023
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Location plan
Drawing A-2	Layout plan
Drawing A-3	Vehicular access plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

PLANNING DEPARTMENT
SEPTEMBER 2023