

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/627

- Applicant** : Lucky State Limited represented by Mr. PANG Hing Yeun
- Site** : Lots 1054 RP, 1056 RP, 1057 RP and 1061 RP in D.D. 9, Tai Hang, Tai Po, New Territories
- Site Area** : About 1,060.7m²
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Private Car Park (Private Cars, Light Goods Vehicles and Taxis) and Electric Vehicle (EV) Charging Station for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary private car park (private cars, light goods vehicles and taxis) and EV charging station for a period of three years and associated filling of land. The Site falls within “GB” zone on the OZP (**Plans A-1 and A-2**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three 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. Filling of land within “GB” zone also requires planning permission from the Board. The Site is currently vacant and covered with vegetation and trees (**Plan A-4**).
- 1.2 The Site comprises a total of 30 parking spaces (5m (L) x 2.5m (W) each), of which 27 are for private cars/taxis and 3 for light goods vehicles of not more than 3.3 tonnes (**Drawing A-1**). 23 out of 27 private cars/taxis parking spaces will be installed with two canopies (about 2.5m high) and EV charging facilities (i.e. 6 direct current (DC) chargers and 17 alternating current (AC) chargers to suit different types of EVs), while the remaining 4 parking spaces will be for ordinary private cars/taxis. Among the 23 parking spaces, 4 parking spaces with DC chargers will be designated for taxis (**Drawing A-1**) with time restriction from 2 am to 5 am and 2 pm to 5 pm daily. Apart from the parking area with two canopies, the proposed development involves three single-storey structures with building heights ranging from 2.6m to 3m at the Site for transformer room, office and rest room. The entire Site will be hard-paved with concrete of not more than 0.2m in depth (**Drawing A-3**). According to

the applicant, the car park operates 24 hours daily including public holidays. It is accessible via a local track leading to Tai Wo Service Road West (**Drawing A-1**). The site layout and vehicular access plans submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

- 1.3 In support of the application, the applicant submitted the following documents:
- (a) Application form with attachments received on 2.6.2023 (**Appendix I**)
 - (b) Further information (FI) received on 14.7.2023 (**Appendix Ia**)
 - (c) FI received on 8.8.2023 and 10.8.2023 (**Appendix Ib**)
 - (d) FI received on 28.8.2023 (**Appendix Ic**)
 - (e) FI received on 11.9.2023 (**Appendix Id**)
- 1.4 On 28.7.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for one month as requested in order to allow 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 and FIs at **Appendices I, Ia, Ib, Ic** and **Id**, as summarized below:

- (a) the proposed development, which intend to provide car parking with EV charging facilities, is generally in line with the government policy on the promotion of EVs. At present, there are about 45,000 EVs in Hong Kong but only 5,000 parking spaces with EV charging facilities. Taking into account the number of EVs soaring to around 80,000 by 2025, it is anticipated that there will be a significant shortage of parking spaces with EV charging facilities in future;
- (b) most of EV charging facilities are located in the urban area rather than in rural area. It is believed that a lack of parking spaces with EV charging close to their homes is the major reason for some car owners who have yet to consider changing to EVs;
- (c) although the Site falls within the “GB” zone, the Site is in close proximity to the existing village clusters and existing roads. It is considered suitable for the proposed development in terms of its geographical location;
- (d) as sufficient space for vehicular access and circulation (**Drawing A-2**) will be provided, there would not be adverse traffic impact; and
- (e) there would not be sewerage impact on the surroundings as no toilet will be provided at the Site. Staff and drivers may use the public toilets in Tai Wo Village if needed. Preventive measures for protecting the Water Gathering Grounds (WGG) are set out at **Appendices Ia, Ib** and **Ic**. In addition, notice(s) will be posted at the Site to remind all drivers that cleaning and maintenance activities are not allowed at the Site.

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

The applicant is not the “current land owner” of the Site 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) to give notification to the owner by sending notice to respective District Rural Committee and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject of any active enforcement action.

6. Previous Application

There is no previous application at the Site.

7. Similar Application

There is no similar application within the same “GB” zone in the vicinity of the Site over the past 5 years.

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

8.1 The Site:

- (a) is currently vacant and covered with vegetation and trees;
- (b) falls within the upper indirect WGG; and
- (c) is accessible via a local track connecting with Tai Wo Service Road West.

8.2 The surrounding areas are predominantly rural in character comprising village houses to the south; active/fallow agricultural land to the west; and some domestic structures and vacant land to the north.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

10.1 Apart from the government bureau as set out in paragraph 10.2 below, all 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 at **Appendices III** and **IV** respectively.

10.2 The following bureau has the following comments on the application.

Policy Aspect

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) supports the applicant’s proposal since the proposed development is in line with the government policies and directions in promoting the wider use of EVs in Hong Kong; and
- (b) according to the Chief Executive’s 2022 Policy Address, the Government aims to announce a roadmap for the promotion for the promotion of electric public transport and commercial vehicles by 2025 and introduce about 3,000 electric taxis by end-2027. A comprehensive quick charging network is needed to effectively support the operations of electric commercial vehicles (e.g. electric light goods vehicles) and public transport (e.g. electric taxis) and achieve the aforesaid target. In this connection, he suggests the applicant to consider installing quick chargers (e.g. with output power of 100kW or higher) at the proposed site and open up a certain number of charging spaces for electric commercial vehicles for use, e.g. electric taxis and electric light goods vehicles, to act in concert with his aforesaid policy directions.

11. Public Comment Received During Statutory Publication Period (Appendix V)

On 9.6.2023, the application was published for public inspection. During the statutory public inspection period, one objecting comment from an individual was received for reasons that there are trees at the Site and EV charging facilities should be incorporated in residential development.

12. Planning Considerations and Assessment

- 12.1 This applicant seeks planning permission for proposed temporary private car park (private cars, light goods vehicles and taxis) and EV charging station for a period of three years and associated filling of land at the Site zoned “GB” (**Plan A-1**). The planning intention of the “GB” zone is primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. As filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities. Although SEE supports the proposed development equipped with EV charging facilities as it is in line with the government policy and directions in promoting the wider use of EV, the proposed use is not in line with the planning intention of the “GB” zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 12.2 The Site is currently covered with vegetation and trees, and located in an area which is predominantly rural in character intermixed with village houses and active/fallow agricultural land (**Plans A-2 and A-3**). The proposed development is considered not entirely incompatible with the surrounding land uses. However, according to the TPB PG-No. 10, application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds, and the proposed development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment. While Director of Agriculture, Fisheries and Conservation has no strong view on the application, the proposed development and associated filling of land would involve extensive clearance of existing vegetation and trees at the Site. As such, it is considered not in line with TPB PG-No. 10 in that there are no exceptional circumstances with very strong planning grounds to justify the proposed development, which may affect the existing natural landscape.
- 12.3 The Site falls within the upper indirect WGG. Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application having reviewed the proposed preventive measures to protect the WGG in the applicant’s FIs (**Appendices Ia, Ib and Ic**). Other relevant departments including the Commissioner for Transport, the Director of Fire Services, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to or no adverse comment on the application.
- 12.4 Regarding the objecting public comment as detailed in paragraph 11 above, comments of government departments and the planning assessment above are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department does not support the proposed development for following reasons:

- (a) the proposed development is not in line with the planning intention of “GB” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis; and
- (b) the proposed development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there are no exceptional circumstances with very strong planning grounds to justify the proposed development, which would involve extensive clearance of existing natural vegetation and may affect the existing natural landscape.

13.2 Alternatively, 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 until 22.9.2026. 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, light goods vehicles and taxis as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time, as proposed by the applicant, during the planning approval period;
- (c) a notice will be posted at a prominent location of the Site to alert not to pollute Water Gathering Grounds at any time, as proposed by the applicant, during the planning approval;
- (d) 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;
- (e) in relation to (d) 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

22.6.2024;

- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 22.3.2024;
- (h) in relation to (g) 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;
- (i) 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;
- (j) in relation to condition (i) 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;
- (k) if any of the above planning conditions (a), (b), (c) or (f) 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
- (l) if any of the above planning conditions (d), (e), (g), (h), (i) or (j) 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; and
- (m) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to

advise what reason(s) for rejection should be given to the applicant.

14.3 Alternatively, 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.

15. Attachments

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| Appendix I | Application form with attachments received on 2.6.2023 |
| Appendix Ia | FI received on 14.7.2023 |
| Appendix Ib | FI received on 8.8.2023 and 10.8.2023 |
| Appendix Ic | FI received on 28.8.2023 |
| Appendix Id | FI received on 7.9.2023 |
| Appendix II | Extract of the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone |
| Appendix III | Government departments’ general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comment |
| Drawing A-1 | Layout plan |
| Drawing A-2 | Vehicular access plan |
| Drawing A-3 | Land filling plan |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photo |

**PLANNING DEPARTMENT
SEPTEMBER 2023**