

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/NE-KLH/647

- Applicant** : Man Ching Lun Tong represented by Mr. LAU Chee Sing
- Site** : Lot 69 RP, D.D. 7, Kau Lung Hang, Tai Po, New Territories
- Site Area** : About 3,465m²
- Lease** : 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** : Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary public vehicle park (private cars only) for a further period of three years. The Site falls within an area zoned “V” on the approved Kau Lung Hang OZP No. S/NE-KLH/11 (**Plan A-1**). 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 used for the applied use with a valid planning permission granted under Application No. A/NE-KLH/601 until 24.12.2024.
- 1.2 The Site is accessible via a local track leading to Tai Wo Service Road West (**Plan A-1**). The applied use comprises 145 parking spaces for private cars (5m x 2.5m each) and a single-storey metal guard house (5m² in size and 2.5m in height). The public vehicle park operates 24 hours daily. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application No. A/NE-KLH/601 for the same use submitted by a different applicant, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.12.2021 for a period of three years up to 24.12.2024. As compared with the previous application, the site layout and key development parameters under the current application remain unchanged. All the approval conditions under the last previous application had been complied with. Details of the previous application are set out in paragraph 6 below.

1.4 In support of the application, the applicant has submitted the following documents:

(a) Application form with attachments received on 1.11.2024 (**Appendix I**)

(b) Further information (FI) received on 22.11.2024* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and FI at **Appendices I** and **Ia**, as summarised below:

- (a) the Site has been used for car parking spaces for more than 18 years;
- (b) the applied use will not cause additional traffic and environmental impacts. No tree felling and diversion of stream is involved; and
- (c) all approval conditions under the previous application had been complied with. As compared with the previous application, the site layout under the current application remains unchanged. The applicant commits to maintain the existing car park facilities to the satisfaction of relevant government departments.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) is relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Application

6.1 The Site is the subject of a previous application No. A/NE-KLH/601 for the same use submitted by a different applicant, which was approved with conditions by the Committee on 24.12.2021 mainly on considerations of not

frustrating the long-term planning intention of the “V” zone and affecting the implementation of Small House developments; not incompatible with the surrounding areas; no significant adverse impact arising from the applied use was anticipated; and approving the application would facilitate regularisation of the use and put them under proper control and monitoring through imposition of planning conditions. The planning permission for a period of three years is valid up to 24.12.2024. All the approval conditions under the last previous application in relation to submission and implementation of drainage proposal, fire service installations (FSIs) proposal, as well as submission of risk assessment report on contamination of Water Gathering Grounds (WGG) and implementation of mitigation measures identified therein had been complied with. As compared with the previous application, the site layout and key development parameters under the current application remain unchanged.

- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are two similar applications (No. A/NE-KLH/606 and 607) for temporary public/private vehicle parks (private cars only) within the same “V” zone in the vicinity of the Site in the past five years. Both applications were approved by the Committee on 10.6.2022 mainly on considerations mentioned in paragraph 6.1 above.
- 7.2 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2**.

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

- 8.1 The Site is:
- (a) flat, paved and currently used for applied use with valid planning permission;
 - (b) mostly outside the village ‘environs’ of Tai Hang Village (**Plan A-2**); and
 - (c) accessible by a local track leading to Tai Wo Service Road West.
- 8.2 The surrounding areas are predominantly rural in character with village houses, car parks, active/fallow agricultural land and vacant land (**Plans A-2** and **A-3**).

9. Planning Intention

The planning intention of the “V” zone is primarily 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.

10. 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 advisory comments in Recommended Advisory Clauses are provided at **Appendices V** and **VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 8.11.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 This application is for renewal of planning permission for a temporary public vehicle park (private cars only) for a further period of three years at the Site zoned “V” on the OZP (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone which is primarily for development of Small Houses by indigenous villagers, it can provide parking spaces to meet the local parking demand. In this regard, the Commissioner for Transport supports the application in view of the parking demand in the vicinity. Besides, the District Lands Officer/Tai Po of 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.

12.2 The Site is currently flat, paved and currently used for applied use with valid planning permission (**Plans A-1** and **A-2**). The applied use is considered not entirely incompatible with the surrounding land uses which are predominantly village houses, car parks, active/fallow agricultural land and vacant land.

12.3 The Director of Environmental Protection has no comment on the application and advises that there is one non-substantiated environmental complaint related to waste received in the past three years. Whilst the Site falls within the upper indirect water gathering ground (WGG), the Chief Engineer/Construction of Water Supplies Department has no objection to the application and advises that the applicant shall maintain the preventive measures against the upper indirect WGG under the previous application No. A/NE-KLH/604 and the applied use should not cause any water pollution to the upper indirect WGG at all times during the planning approval period. Other relevant government departments including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application.

- 12.4 The Site is the subject of a previous application No. A/NE-KLH/601 for the same use submitted by the different applicant for a period of three years up to 24.12.2024 as detailed in paragraph 6. Compared with previous application, the site layout and key development parameters under the current application remain unchanged. All the approval conditions under the previous application had been complied with. There is no major change in planning circumstances since the approval of the previous application.
- 12.5 There are two similar applications (No. A/NE-KLH/606 and 607) for temporary public/private vehicle parks (private cars only) within the same “V” zone in the past five years. Both were approved by the Committee in 2022 mainly on similar considerations as stated in paragraph 6.1 above. The planning circumstances of these applications are similar to the current application. Approving the current application is in line with the previous decisions of the Committee.
- 12.6 In view of the above, the application generally complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval granted under Application No. A/NE-KLH/601; no major adverse departmental comments on the renewal application; all approval conditions under the previous approval had been complied with; and the three-year approval period sought is the same as the previous approval and is considered reasonable.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a further period of three years.
- 13.2 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, and be renewed from 25.12.2024 until 24.12.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (b) the submission of a record of existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.3.2025;
- (c) the existing preventive measures against water pollution to the upper indirect water gathering ground (WGG) shall be maintained at all times during the planning approval period;
- (d) the applied use should not cause any water pollution to the upper indirect

WGG at any time during the planning approval period;

- (e) if any of the above planning condition (a), (c) or (d) 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
- (f) if the above planning condition (b) 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 VI**.

13.3 There is no strong reason to recommend rejection of the application.

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 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with attachments received on 1.11.2024
Appendix Ia	FI received on 22.11.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous application
Appendix IV	Similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site 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