

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/516

<u>Applicant</u>	Lucky Sky Creation Limited represented by Fotton ELA Architects Ltd.
<u>Site</u>	Lots 344A RP (Part) and 402 S.B RP (Part) in D.D. 94, Hang Tau Tai Po, Sheung Shui, New Territories
<u>Site Area</u>	2,974m ² (about)
<u>Lease</u>	<u>Block Government Lease (demised for agricultural use)</u> Lot 402 S.B RP (Part) in D.D. 94 <u>New Grant agricultural lot</u> Lot 344A RP (Part) in D.D. 94
<u>Plan</u>	Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/18
<u>Zoning</u>	“Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]
<u>Application</u>	Temporary Public Vehicle Park (for 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 public vehicle park (for private cars only) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for “R(D)” zone, public vehicle park (excluding container vehicle) is a Column 2 use zone which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by open-air car park without valid planning permission (**Plan A-2**).
- 1.2 The Site is accessible from Hang Tau Road via a village road. According to the applicant, 54 private car parking spaces are provided at the Site. The operation hours are 24 hours daily including public holidays. There is one ingress/egress point at the north-eastern corner of the Site. The applied use is operated unmanned and each renters have their remote controllers to operate

the opening and closing of the entrance gate. U channels and underground drainage pipes will be provided for the discharge of surface runoff. The layout plan submitted by the applicant is shown at **Drawing A-1**.

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

Application Form with attachments received on 30.9.2022 (Appendix I)

2. **Justification from the Applicant**

The justifications put forth by the applicant in support of the application is detailed in **Appendix I** as follows:

- (a) The applied use has been in operation for several years at the Site. With the approval of the application No. A/NE-KTS/466, the existing car parking will be removed. The applicant would like to use the Site for a temporary public vehicle park for 3 more years so that renters would have sufficient time to find alternative parking spaces in the area; and
- (b) The number of private car parking space would be reduced from 75 to 54 in the current application, which should have positive traffic impact.

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

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

4. **Background**

Part of the Site is subject to planning enforcement action case against unauthorized development involving use for place for parking of vehicles.

5. **Previous Application**

The Site and its adjoining land are subject to a previous application No. A/NE-KTS/466 (**Plan A-1**) for proposed residential development (houses) with minor relaxation of PR and BH restrictions submitted by the same applicant of the current application. Details of the application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within the same “R(D)” zone on the OZP.

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

7.1 The Site is:

- (a) formed, partly fenced off and currently occupied by an open-air car park; and
- (b) accessible from Hang Tau Road via a village road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are domestic structures; to the further north is an area zoned “CDA” with an approved s.12A application (No. Y/NE-KTS/13) for proposed residential development and social welfare facilities, and currently unused land with vacant structures, and active agricultural land;
- (b) to the east is a car park, domestic structures and a restaurant;
- (c) to the south and southwest are mainly village houses in the “Village Type Development” (“V”) zone of Hang Tau village; and
- (d) to the west and northwest are vacant land and a car park.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

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 in **Appendix III and IV** respectively.

10. Public Comments

The application was published for public inspection. During the statutory public inspection period, 3 public comments (**Appendix V**) were received from individuals. One individual objects to the application for the reason that the applied use will cause traffic congestion, pollution and fire, and adversely affect nearby villagers. Another individual indicates that the application should be rejected so as to encourage housing development. The remaining individual offers no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (for private cars only) for a period of 3 years at the Site zoned “R(D)” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings; and is also intended for low-rise, low-density residential developments subject to planning permission from the Board. The Site is part of a previous application (No. A/NE-KTS/466) for proposed residential development (houses) approved with conditions by the Committee in 2019. The applicant would like to use the Site for the applied use on a temporary basis before implementation of the approved scheme. Hence, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses, which is mainly rural in character intermixed with residential dwellings, domestic structure, parking of vehicles and vacant land (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, including Commission for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, on the application. To minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In addition, the applicant will be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by DEP.
- 11.4 Regarding the public comments on the application as detailed in paragraph 10 above, government departments’ comments and planning assessments 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, 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 3 year until 25.11.2025. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (d) the implementation of the accepted 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 25.5.2023;
- (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 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 25.5.2023;
- (g) in relation to (f) above, the implementation of proposal for 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 25.8.2023;
- (h) if any of the above planning condition (a), (b), (c) 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
- (i) if any of the above planning condition (d), (f) or (g) 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 is suggested for Members' reference:

the development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification in the submission for 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 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 30.9.2022
Appendix II	Previous application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2022**