

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/531

- Applicant** : Mr KONG Yuen Hing represented by Mr NG Wai Chun
- Site** : Lots 369 (Part), 370 (Part), 371 S.A (Part), 371 S.B (Part), 371 RP (Part), 372 (Part) and 390 S.D (Part) in D.D. 94, Hang Tau Village, Sheung Shui, New Territories
- Site Area** : 1,016m² (about)
- Lease** : Lot 370: Old Schedule Agricultural and House Lot
Lots 369, 371, 372 and 390: Old Schedule Agricultural Lots
- Plan** : Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/19
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Private Car Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (private car only) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the OZP. According to the Notes of the OZP for “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board). The Site has already been paved and being used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, 24 uncovered parking spaces for private vehicles are provided at the Site. The operation hours of the temporary vehicle park are 24 hours daily including public holidays. The Site is accessible from a local track leading to Hang Tau Road. The ingress/egress is at the north-eastern corner of the Site. The applied use is maintained by a staff member and all renters have remote control to

operate the opening and closing of the entrance gate. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in two approved previous applications (No. A/NE-KTS/403 and 469) for temporary private car park, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2015 and 2019 respectively (details at paragraph 5 below). Compared with the last approved application No. A/NE-KTS/469, which was submitted by the same applicant as the current application, the applicant has demolished three shelters (with a total floor area of 63.5m²) covering some parking spaces and adjoining walkway, while other particulars including the applied use, site area/boundary and number of parking spaces remain the same.

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

Application Form with Attachments received on 31.8.2023 (Appendix I)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They are summarised as follows:

- (a) the applicant is an indigenous villager of Hang Tau Village and the parking spaces are only rented to the inhabitants of the village on a monthly basis;
- (b) there are not enough parking spaces in the village, the applied use will improve the environment of the village and facilitate villagers' life;
- (c) the drainage system of the Site remains in good condition while the existing trees and vegetation remain healthy; and
- (d) in response to the District Lands Officer/North, Lands Department's (DLO/N, LandsD) previous comments about the unauthorised structures erected on the Site and occupation of Government land (GL), the applicant has demolished the unauthorised structures and relocated the hoarding on the GL.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners". In respect of the other "current land owner(s)", the applicant 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 Sheung Shui District Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site, in part or in whole, is the subject of two previous applications (No. A/NE-KTS/403 and 469) for temporary private car park. Details of the previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.
- 5.2 Part of the Site is the subject of a planning application No. A/NE-KTS/403 submitted by another applicant for temporary private car park (private cars and light goods vehicles) for a period of three years. The application was approved with conditions by the Committee in August 2015 mainly on the grounds of serving the parking needs of the villagers; not frustrating the long-term planning intention of the “V” zone; being not incompatible with the surrounding land uses; and unlikely to generate significant adverse impacts on the surrounding areas. The planning permission was revoked in February 2016 due to non-compliance of approval conditions in relation to the submission of proposals of water supplies for firefighting and fire service installations as well as landscape proposals, and provision of boundary fencing.
- 5.3 The remaining application (No. A/NE-KTS/469) submitted by the same applicant as the current application was for temporary private car park for a period of three years. The application was approved with conditions by the Committee in May 2019 mainly on similar grounds as application No. A/NE-KTS/403. All the approval conditions had been complied with and the planning permission lapsed on 1.6.2022.

6. Similar Application

There is no similar application for temporary private car park use within the same “V” zone.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on **Plan A-3 and site photos on **Plans A-4a** and **A-4b**)**

7.1 The Site is:

- (a) within the village environ of Hang Tau Village;
- (b) hard-paved and partly fenced at the eastern, southern and western boundaries;
- (c) currently occupied by a car park with over 20 parking spaces. The current use is without valid planning permission; and

(d) accessible from a local track leading to Hang Tau Road.

7.2 The surrounding areas are predominantly rural in nature mainly surrounded by village houses and fallow agricultural land with the following characteristics:

(a) to the west, north and east are mainly village houses and domestic structures;

(b) to the southeast is a garden of a domestic development; and

(c) to the further south are fallow agricultural land, scattered village houses and domestic structures, and a rehabilitation centre with valid planning permission under application No. A/NE-KTS/496 until 20.7.2024.

8. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised 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. Selected commercial and community uses serving the needs of villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

9.1 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 in **Appendices III** and **IV** respectively.

9.2 The District Officer (North), Home Affairs Department (DO(N), HAD) advises that his office has consulted the locals regarding the application. The incumbent North District Councilor of N11 Constituency supports the application. The Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representatives and the Resident Representative of Hang Tau have no comment on the application.

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

On 8.9.2023, the application was published for public inspection. During the first three weeks of the statutory publication period, one public comment from an individual was received, indicating no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public vehicle park (private car only) for a period of three years within an area zoned “V”. According to the applicant, the car park is for the use of local villagers. The planning intention of “V” zone is to designate both existing recognised 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. Whilst the applied use is not entirely in-line with the planning intention of the “V” zone, it could provide vehicle parking spaces to meet the parking demand in the area. The Commissioner for Transport has no comment from traffic engineering perspective. Besides, the DLO/N, LandsD advises that there is no small house application at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone or the provision of land for Small House development.
- 11.2 The applied use is considered not incompatible with the surrounding land uses, which are predominantly rural in nature mainly with village houses/domestic structures and fallow agricultural land in the vicinity.
- 11.3 Other relevant government departments consulted, including the Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department, the Director of Agriculture, Fisheries and Conservation and the Director of Fire Services, have no objection to or no adverse comment on the application. DEP advises that there is no substantiated environmental complaint pertaining to the Site during the past three years. The applied use will unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. 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’ issued by DEP to minimise any possible environmental nuisance.
- 11.4 The Site is the subject of two approved previous applications (No. A/NE-KTS/403 and 469) for temporary private car park which were granted in 2015 and 2019 respectively, although the planning permission for application No. A/NE-KTS/403 was revoked in 2016 due to non-compliance of approval conditions as stated in paragraph 5. The current application is submitted by the same applicant as the last approval (No. A/NE-KTS/469), and all the time-limited approval conditions had been complied with. Compared with the previously approved application, the current application is the same in terms of the applied use, site area/boundary and layout though the unauthorised structures on site have been demolished. As there has been no major change in planning circumstances since the last approval, approval of the current application is in line with the Committee’s previous decision.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views and public comment mentioned in paragraphs 9 and 10, the Planning Department has no objection to the temporary public vehicle park (private car only) 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 **27.10.2026**. The following conditions of approval 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, as proposed by the applicant, at any time during the planning approval period;
- (b) no vehicle without valid licences 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;
- (c) the existing drainage facilities on the Site shall be maintained at all time during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.1.2024;
- (e) the submission of proposal for fire service installations and water supplies for firefighting 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 27.4.2024;
- (f) in relation to (e) above, the implementation of proposal for fire service installations and water supplies for firefighting 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 27.7.2024;
- (g) if any of the above planning condition (a), (b) or (c) 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
- (h) if any of the above planning condition (d), (e) or (f) 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 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 "V" zone which is to designate both existing recognised 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. No strong planning justification has been given 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 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 Received on 31.8.2023
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan Submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos