

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-LK/155**

<b><u>Applicant</u></b>	: Messrs. TSANG Hoi Leung Tommy and TSANG Chi Yan represented by Honest Land Surveys Company
<b><u>Site</u></b>	: Lot 1548 (Part) in D.D. 39, Ma Tseuk Leng, Sha Tau Kok, New Territories
<b><u>Site Area</u></b>	: About 501.42 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11
<b><u>Zonings</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Private Car Park (Private Car and Light Goods Vehicle) 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 private car park (private car and light goods vehicle) for a period of three years until 26.2.2027 (**Plan A-1**). The Site falls within an area zoned “V” on the approved Luk Keng and Wo Hang OZP No. S/NE-LK/11. According to the Notes of the OZP, “Public Vehicle Park (excluding container vehicle)” is a Column 2 use within “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 26.2.2024.
- 1.2 According to the applicant, a total of ten parking spaces including eight for private cars (2.5m × 5m each) and two for light goods vehicles (3.5m × 7m each) are provided within the Site to serve the local villagers. The operation hours of the applied use are from 6:30 a.m. to 11:30 p.m. daily, including public holidays. The Site is accessible via a local track leading to Sha Tau Kok Road – Wo Hang, and the ingress/egress point is located at the southern boundary of the Site. The site layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of a previous application No. A/NE-LK/136 submitted by the same applicant for the same use approved by the Rural and New Town Planning Committee (the Committee) on 26.2.2021. The site layout development scheme submitted under the current renewal application is the same as the previously approved one, and all the

approval conditions of the last application have been complied with. Details of the previous application are set out in paragraph 6.1 below.

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

- (a) Application form with attachments received on 28.12.2023 (Appendix I)
- (b) Further Information (FI) received on 15.1.2023<sup>^</sup> (Appendix Ia)  
*^accepted and exempted from publication requirements*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendix I** as summarized below:

- (a) the demand for carparking spaces in the village has been increasing over the years due to increase in population and more convenient access to the urban area with the recent opening of Heung Yuen Wai Highway; and
- (b) no car washing or repairing activities will be carried out at the carpark. No adverse noise, landscape, drainage impacts are anticipated from the development.

## 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 notifying the concerned land owner. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Town Planning Board Guidelines**

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

## 5. **Background**

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

## 6. **Previous Application**

- 6.1 The Site is the subject of a previous application No. A/NE-LK/136 submitted by the same applicant as the current application, which was approved by the Committee on 26.2.2021 mainly on considerations that the small-scale development was not incompatible with the surrounding village setting; no anticipated adverse traffic, environmental, drainage and landscape impacts on the surrounding areas; and no adverse comment or objection to the application.

6.2 Details of the previous application are summarized at **Appendix III** and the location is shown on **Plan A-1**.

## **7. Similar Application**

There is no similar application in the “V” zone in the vicinity of the Site in the Luk Keng and Wo Hang area.

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

8.1 The Site is:

- (a) formed and currently used for the applied use with valid planning permission;
- (b) situated within the village proper of Ma Tseuk Leng; and
- (c) accessible from a local track leading to Sha Tau Kok Road – Wo Hang.

8.2 The surrounding areas are predominantly rural in character with village houses to the immediate south and northwest, fallow/active agricultural land to the east and southeast, vacant land/structures and woodland to the southwest.

## **9. 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.

## **10. Comments from Relevant Government Departments**

10.1 All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

10.2 The following government department has relayed the local views on the application:

### **District Officer's Comments**

10.2.1 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

- (a) a North District Councilor (NDC) supports the application;
- (b) the Chairman of the Sha Tau Kok District Rural Committee, 6 NDCs and the Chairman of the Lung Shan Area Committee have no comment; and

- (c) 16 NDCs, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Ma Tseuk Leng Sheung did not reply.

## **11. Public Comment Received During Statutory Publication Period**

On 5.1.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Chairman of Sheung Shui Rural Committee indicating no comment on the application (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of temporary private car park (private car and light goods vehicle) for a period of three years at the Site zoned “V” on the OZP. While the applied use is not entirely in line with the planning intention of the “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, DLO/N of LandsD has no objection to the application and advises that no outstanding Small House application in respect of the Site has been received. According to the applicants, the temporary car park will help to serve the local villagers for meeting their carparking needs. Given the temporary nature of the proposed use, 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 current development scheme is the same as the last approved scheme in terms of the applied use and development parameters. The Site is situated within the village proper of Ma Tseuk Leng and surrounded by village houses to its south and northwest. It is currently formed and paved. Given its small scale, the proposed temporary private car park is considered not incompatible with the surrounding village setting (**Plans A-2 to A-4**). CTP/UD&L of PlanD advises that no significant landscape impact arising from the development is anticipated.
- 12.3 C for T has no comments on the renewal application from a traffic engineering viewpoint. Other government departments consulted, including CE/MN of DSD, DAFC, D of FS, CE/C of WSD and DEP, have no adverse comment on or no objection to the application.
- 12.4 The Site is the subject of a previously approved application (No. A/NE-LK/136) for the same use submitted by the same applicant as detailed in paragraph 6.1 and all the approval conditions have been complied with. There has been no material change in planning circumstances since the approval of the last application.
- 12.5 In view of the above, this application generally complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the previous application; no major adverse departmental comments on the renewal application; all approval conditions under the previous approval have been complied with; and the 3-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 assessments made in paragraph 12 and having taken into account the local comments conveyed by DO(N), HAD and public comment as detailed in paragraphs 10.2.1 and 11 respectively, the Planning Department has no objection to the application.
- 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 3 years and be renewed from 27.2.2024 until 26.2.2027. The following conditions of approval and advisory clauses are 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 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;
- (c) the submission of a condition record of the existing drainage facilities 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 27.5.2024;
- (d) the existing drainage facilities shall be properly maintained at all times during the planning approval period;
- (e) if any of the above planning conditions (a), (b) 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 (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

#### **Advisory Clauses**

The recommended advisory clauses are at **Appendix V**.

- 13.3 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 "V" zone which is 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 for a departure from the planning intention, even on a temporary basis.

#### **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**

<b>Appendix I</b>	Application Form with attachments received on 28.12.2023
<b>Appendix Ia</b>	FI Received on 15.1.2024
<b>Appendix II</b>	Relevant Extract of TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time of Compliance with Planning Conditions for Temporary Use or Development
<b>Appendix III</b>	Previous s.16 Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBUARY 2024**