

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/696

- Applicant** : Mr. CHEUNG Leung Fat
- Site** : Lot 915 RP in D.D. 25, Tai Om Tsuen, Lam Tsuen, Tai Po, New Territories
- Site Area** : About 2,841 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Renewal of Planning Approval for Temporary Private Car Park (Private Cars only) for a Period of Three Years until 1.6.2024

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary private vehicle park (private cars only) for a further period of three years until 1.6.2024. According to the 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.
- 1.2 According to the information submitted by the applicant, the applied use provides 50 parking spaces for private cars serving local residents and operating 24 hours a day. The Site is accessible from Tai Om Road via a 5m wide vehicular access. A plan showing the vehicular route from Tai Om Road to the Site is at **Drawing A-1**. The Site is currently used for the applied use with valid planning permission (under Application No. A/NE-LT/632) until 1.6.2021.

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

- (a) application form with attachments received on 9.3.2021 (Appendix I)
- (b) further information (FI) received on 1.4.2021 (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 Part 7 of the application form and the FI at **Appendices I** and **Ia** respectively. They can be summarized as follows:

- (a) private car is the major mode of transport for the local residents due to the lack of convenient transport links;
- (b) the existing metered car park in the village is always fully occupied and roadside parking leads to blockage of vehicular access; and
- (c) there is no change to the temporary carpark use when compared to the previously approved application (No. A/NE-LT/632).

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

The applicant is not the “current land owner”. However, he 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 notice at the Site and at the notice boards of Tai Po Rural Committee and Tai Om Tsuen. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34C (TPB-PG No. 34C) 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 planning criteria are summarized in **Appendix II**.

5. **Previous Application**

5.1 The Site is the subject of a previously approved application (No. A/NE-LT/632) submitted by the same applicant for the same use under the current application. That application was approved by the Rural and New Town Planning Committee (the Committee) on 1.6.2018 for a period of three years mainly on the considerations that approval of the applied use on a temporary

basis would not frustrate the long-term planning intention of “V” zone; it was not incompatible with the surrounding areas which are predominantly rural in character; and would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding area. All approval conditions have been complied with and the planning permission is valid until 1.6.2021. Details of the previous application are summarized at **Appendix III** and the location is shown on **Plan A-1**.

- 5.2 The current application is the same as the approved scheme under Application No. A/NE-LT/632 in terms of site area, number of parking spaces and access arrangement.

6. Similar Application

There is no similar application for the same use within the same “V” zone.

7. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)

- 7.1 The Site is:

- (a) generally flat, mainly hard-paved and currently used as a private car park;
- (b) situated within the village proper of Tai Om and bounded by Tai Om Children Playground to the west and village houses to the south and east; and
- (c) accessible via a vehicular access from Tai Om Road.

- 7.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, active/fallow agricultural land and tree groups. A metered public car park with 25 parking spaces is situated about 10 m to the northeast of the Site.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized villages and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small House 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.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of Lot 915 RP in D.D. 25, Tai Om Tsuen, Lam Tsuen. The private lot is held under the Block Government Lease demised for agricultural purpose, no structure shall be erected thereon without the prior approval from LandsD;
- (c) recent inspection revealed that the Site has been used for an open carpark;
- (d) the ingress/egress are on unallocated Government land and a portion of Lot 121 in D.D. 18 and a portion of Lot 914 RP in D.D. 25 not within the Site (**Plan A-2**). The maintenance and management responsibility of the said Government land should be sorted out with the relevant Government departments. Neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD. Regarding the two private lots, the applicant should sort out the relevant issues with the lot owners concerned;
- (e) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto; and
- (f) no Small House application has been received at the Site.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering point of view;
- (b) the village access road is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
- (c) the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles.

9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) no comment on the application; and
- (b) Tai Om Road is a public road maintained by HyD. The existing run-in/out on Tai Om Road leading to the Site is not up to HyD's standard. In this regard, the applicant should be advised that he should be responsible for constructing a run-in/out at his own cost and to the satisfaction of HyD. Upon the expiry of the temporary planning permission, the applicant is required to reinstate the run-in/out at his own cost to its original state to the satisfaction of HyD.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department; and
- (b) no environmental complaint has been received against the Site in the past three years.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application from landscape planning perspective;
- (b) as there is no change in the major development parameters of this renewal application compared to the previous application, landscape impact arising from the continuous use within the Site is not anticipated; and
- (c) should the application be approved, an approval condition on the existing shrub planted within the site shall be maintained at all times during the planning approval period is required.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no objection to the application from public drainage viewpoint;
- (b) no existing/planned DSD's stormwater and sewerage facilities would be affected by the development at the moment;
- (c) should the application be approved, an approval condition on the submission of a condition record of the existing drainage facilities implemented on the Site under the previously approved Application No. A/NE-LT/632 within three months of the planning approval is required;
- (d) if laying of new drains/channels and/or modifying/upgrading existing ones outside the Site or on Government land are required, the cost and works as well as future maintenance responsibility shall be borne by the applicant and written consents from relevant lot owners and/or LandsD's permission should be provided; and
- (e) the Site is in close vicinity of the existing DSD maintained public sewers and within drainage reserve area (**Plan A-2**), the applicant should take precautionary measures to prevent damage to these facilities. Should any undue settlement or damage to such facilities be detected, the works for the applied use shall be stopped immediately. The matter should be reported to DSD as soon as possible for repair at the applicant's cost. For works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

Water Supply

9.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to this application;
- (b) the Site is located within the upper indirect water gathering grounds (WGG) and is less than 30m from the nearest water course. He has no objection to the application on conditions that the development should not cause any water pollution to the upper indirect WGG; and
- (c) the applicant should note the advisory comments at **Appendix IV**.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to the existing fire service installations implemented on the Site being maintained in efficient working order at all times.

Electricity Safety

9.1.9 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no comment on the application from electricity supply safety aspect; and
- (b) the applicant should note the advisory comments at **Appendix IV**.

9.2 The following Government departments have no adverse comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD); and
- (e) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

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

On 16.3.2021, the application was published for public inspection. During the statutory publication period, two public comments were received from individuals objecting to the application mainly on the grounds that the applied use is not in line with the planning intention of “V” zone; the carpark use is an inefficient way of using land resources; will set an undesirable precedent; will have fire hazard as the Site is next to a number of village houses and there is no EVA in the area; the Site involves a previous enforcement case of unauthorized parking of vehicles; and the applicant has not complied with all the approval conditions.

11. Planning Considerations and Assessments

11.1 The application is for renewal of planning approval for temporary private car park for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, DLO/TP of LandsD advises that there is no Small House application received for the Site. In this regard, approval of the application on a temporary basis for another three years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The current scheme is the same as the last approved application (No. A/NE-LT/632) in terms of the applied use, site area, access arrangement and number of parking spaces. All approval conditions of the previous application have been complied with and there has been no material change in planning circumstances since the approval of the previous application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are predominantly rural in character with village houses, temporary structures, active/fallow agricultural land and tree groups (**Plans A-2 and A-3**). CTP/UD&L of PlanD advises that landscape impact arising from the continuous use within the Site is not anticipated. According to DEP, no environmental complaint in relation to the Site has been received in the past three years. Other relevant Government departments consulted, including C for T, CE/MN of DSD, CE/C of WSD, CHE/NTE of HyD, DAFC and D of FS have no objection to or no adverse comment on the application.
- 11.4 The application generally complies with the TPB PG-No. 34C on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' in that there has been no material change in planning circumstances since the approval of the previous application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the previous application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.
- 11.5 For public comments objecting to the application on the grounds as detailed in paragraph 10 above, Government departments' comments and the planning assessments above are relevant. Regarding the previous enforcement case of unauthorized parking of vehicles at the Site, the unauthorized car parking use had been discontinued before the previous application No. A/NE-LT/632 was approved.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, 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 three years and **be renewed from 2.6.2021 to 1.6.2024**. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no vehicles other than private cars are allowed to be parked within the site during the planning approval period;
- (b) no vehicle repairing, car washing/fueling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;

- (c) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (d) no permanent structure shall be erected within the drainage reserve area at the site during the planning approval period;
- (e) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing shrub planted within the site shall be maintained at all times during the planning approval period;
- (g) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (h) 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 **2.9.2021**;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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
- (j) if the above planning condition (h) 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**.

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 primarily intended for the 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. There is no strong planning justification 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 conditions and advisory clauses, 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 and attachments received on 9.3.2021
Appendix Ia	FI received on 1.4.2021
Appendix II	Relevant Extract of TPB Guidelines No. 34C on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
Appendix III	Previous application
Appendix IV	Advisory comments of the Chief Engineer/Construction, Water Supplies Department and Director of Electrical and Mechanical Services
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	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

**PLANNING DEPARTMENT
APRIL 2021**