

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

**APPLICATION NO. A/NE-LT/702**

<b><u>Applicant</u></b>	Mr. LAM Kiu Chung
<b><u>Site</u></b>	Lots 1125 (part) and 1132 RP (part) in D.D. 7, Kau Liu Ha, Lam Tsuen, Tai Po, New Territories
<b><u>Site Area</u></b>	About 961m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<b><u>Zonings</u></b>	“Village Type Development” (“V”) (about 713m <sup>2</sup> or 74%) “Agriculture” (“AGR”) (about 248m <sup>2</sup> or 26%)
<b><u>Application</u></b>	Proposed Temporary Private Vehicle Park (Private Cars Only) for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant, the manager of Lam Yi Chan Tong (林義珍堂), seeks planning permission for a proposed temporary private vehicle park (private cars only) for a period of 3 years and filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years, notwithstanding that the use or development is not provided for under the Notes of the OZP, as well as filling of land in “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant covered by grass.
- 1.2 According to the applicant, a total of 22 parking spaces for private cars will be provided within the Site to serve local villagers. No structure is proposed at the Site. The operating hours of the temporary car park will be from 6am to 12am daily. The Site is accessible from Lam Kam Road via Hang Kai Lane. A plan showing the layout and vehicular ingress/egress of the proposed car park is at **Drawing A-1**.

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

- (a) Application form and attachments received on **(Appendix I)** 15.11.2021
- (b) Supplementary information received on 25.11.2021 **(Appendix Ia)**
- (c) Further Information (FI) received on 7.1.2022 **(Appendix Ib)** providing responses to departmental comments  
*(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 Appendix F of the application form, supplementary information and FI at **Appendices I, Ia and Ib** respectively. They can be summarized as follows:

- (a) the proposed temporary private vehicle park is only for the use of local villagers as there are insufficient parking spaces in the vicinity of Kau Liu Ha Village. It will not offer hourly parking space to the general public;
- (b) the proposed car park would not cause adverse impact on the adjoining slope, drainage, water supply, landscape and environment;
- (c) the proposed ingress/egress is adjoining the access road (i.e. Hang Kai Lane) and will not cause adverse traffic impact;
- (d) in case of fire emergency, there is a fire hydrant at 60m away to the northeast of the Site;
- (e) as the Site is not completely flat, the applicant will pave the Site with concrete at a height of about 0.11m; and
- (f) in response to Water Supplies Department (WSD)'s comments, the applicant provides elaboration on the proposed development and undertakes to implement preventive measures against water pollution to the upper indirect water gathering ground (WGG) **(Appendix Ib)** which are summarised below:
  - (i) no foul water will be generated as there are no buildings or facilities (such as toilets) and no car wash within the Site;
  - (ii) the staff on site will remove any litter found and no solid waste will be left over within the Site;

- (iii) the use and storage of pesticides, herbicides, toxicants, chemical solvents, laticidal oil, rodenticide, tar and petroleum oil as well as chemicals including and fertilizers and detergents will not be allowed on site. Appropriate warning signs will be put on the fence to remind people;
- (iv) the staff on site will not allow oil tankers to be parked within the Site;
- (v) drainage traps such as grease traps and petrol interceptors will be properly installed and maintained by professionals. Proper maintenance and disposal records will also be maintained;
- (vi) absorbent pads surrounding the Site will be provided to ensure no leakage is spilled into the nearby water ways;
- (vii) the cars will be arranged to be parked as far away as possible from the water courses;
- (viii) concrete will be used to pave the ground for the car park area. The applicant will not allow any potential waste going into the river area;
- (ix) wooden/metal fencing will be installed surrounding the Site to make sure all wind-blown litters are trapped within the Site; and
- (x) the Site will only be used for parking of vehicles. No other activities including vehicle inspection, maintenance, repairing and washing are permitted at the Site.

**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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Application**

There is no similar application for the same use within the same “V” and “AGR” zones.

**6. The Site and Its Surrounding Area (Plans A-1, A-2 and photos on Plans A-3 and A-4a and A-4b)**

6.1 The Site is:

- (a) generally flat and mostly covered with grass with no tree;
- (b) situated at the eastern fringe of Kau Liu Ha Village; and
- (c) accessible from Lam Kam Road via Hang Kai Lane.

6.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, active/fallow farmlands, plant nurseries and clusters of tree groups.

**7. Planning Intentions**

7.1 The planning intention of the “V” zone is to reflect existing recognized 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 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.

7.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

**8. Comments from Relevant Government Departments**

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

**Land Administration**

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

- (a) no objection to the application;
- (b) the Site consists of two private lots in D.D. 7, which are held under Block Government Lease demised for agricultural purpose, and no structure shall be erected thereon without prior approval from LandsD;

- (c) should the application be approved by the Board, the lot owners are required to submit applications for short term waiver (STW) to LandsD if they wish to erect any structure on the Site. However, there is no guarantee at this stage that the STW applications would be approved. If the STW applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fees as considered appropriate;
- (d) the applicant will likely make use of the adjoining government land (at the north-eastern side of the Site) and Hang Kai Lane as proposed ingress/egress. As such, no trees thereon shall be interfered with unless prior approval is obtained from LandsD. The maintenance and management responsibility of the said government land and any other government land leading to the Site should be sorted out with the relevant government departments, prior to making use of them for ingress/egress purpose. Furthermore, neither occupation nor works of any kind thereon is allowed without prior approval from LandsD;
- (e) there is no guarantee to the grant of a right of way to the Site nor approval of the emergency vehicular access thereto; and
- (f) no Small House application has been received in respect of the Site.

### **Traffic**

#### **8.1.2 Comments of the Commissioner for Transport (C for T):**

- (a) no objection to the application from traffic engineering viewpoint;
- (b) the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period; and
- (c) the local road (i.e. Hang Kai Lane) connecting to the Site from Lam Kam Road is not managed by Transport Department.

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

- (a) no comment on the application; and

- (b) the village road (i.e. Hang Kai Lane) leading to the Site and the proposed ingress/egress of the carpark are not under HyD's maintenance purview.

8.1.4 Commissioner of Police (C of P) has no objection to the application.

#### **Agriculture**

8.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site is currently a piece of abandoned land. There are active agricultural activities in the vicinity and agricultural infrastructure such as road access and water source is available; and
- (b) the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural development point of view.

#### **Environment**

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

- (a) no comment on the application; and
- (b) 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 the Environmental Protection Department (EPD) to minimize any potential environmental nuisance.

#### **Landscape**

8.1.7 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) the Site is located in an area of settled valleys landscape character comprises village houses, temporary structures, active farmlands and clusters of tree groups. The proposed car park is considered not entirely incompatible with the landscape character surrounding the Site; and

- (c) active agricultural land and temporary structures are located to the west and east of the Site respectively. No significant sensitive landscape resource is observed within the Site. Hence, significant adverse impact on existing landscape resources within the Site arising from the proposed development is not anticipated.

### **Drainage**

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

- (a) no objection to the application from public drainage viewpoint;
- (b) should the application be approved by the Board, a condition should be included to request the applicant to submit and implement the drainage proposal to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify/modify the nearby existing/original systems if they are found to be inadequate or ineffective to accommodate additional runoff arising from the proposed development. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works;
- (d) provision of written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the Site or on government land (where required); and
- (e) the cost and works of drainage connection as well as future maintenance responsibility shall be borne by the applicant.

### **Water Supply**

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

- (a) the Site falls within the upper indirect WGG and is located at a short distance (about 19m) to the nearest watercourse;

- (b) there are risks of contamination to the WGG due to the operation and management of the proposed car park as well as filling of land. The applicant should demonstrate there is no material increase in pollution effect resulting from the proposed use including:
  - (i) no discharge of effluent or foul water into adjoining land, stormwater drain, channel, stream or river course is allowed. Such foul water or effluent shall be collected and disposed of outside WGG. All solid waste and sludge arising from the proposed development shall be disposed of properly outside WGG. The use and storage of pesticides, herbicides, toxicants, chemical solvents, larvicidal oil, rodenticide, tar and petroleum oil are strictly prohibited in WGG. No chemicals including fertilizers and detergents shall be used/stored without prior approval from the Water Authority. Oil leakage and spillage are not allowed within WGG at all times. Oil and grease decontamination kit such as absorbent pads shall be made available to decontaminate any possible oil leakage or spillage. Oil tanker shall not be parked within the Site;
  - (ii) besides vehicle parking, other activities such as on-site vehicle inspection, maintenance, repairing and washing activities shall not be allowed in the proposed development. The vehicle park and associated activities shall be located away from any water courses as far as possible. Fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown litters within the Site. Vehicle park shall be surrounded by kerbs and drains. Drainage traps such as grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. They shall have sufficient capacity to ensure proper interception and collection of fuel and lubricants in surface run-off for off-site disposal. Proper maintenance and disposal records should be maintained; and
  - (iii) when filling of land, no earth and other construction materials which may cause contamination to WGG are allowed to be stockpiled or stored on site. All excavated or filled surfaces shall be protected from erosion and siltation to any water courses shall be prevented within WGG. All construction spoils shall be contained and protected, and effluent containing spoils shall be disposed of after desiltation;
- (c) noting that the applicant has undertaken to implement various preventive measures against water pollution to the upper indirect WGG (**Appendix Ib**), he has no objection to the application provided that approval conditions on submission



and implementation of proposal on grease trap and petrol interceptor are imposed; and

- (d) in addition, the applicant should be advised to observe and strictly follow the “*Conditions for Working within WGG*” (**Appendix II**) as appropriate.

### **Fire Safety**

#### 8.1.10 Comments of Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to the provision of fire service installations (FSIs) to his satisfaction; and
- (b) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSI to be installed should be clearly marked on the layout plans.

### **District Officer’s Comments**

#### 8.1.11 Comments of District Officer (Tai Po), Home Affairs Department (DO (TP), HAD):

- (a) no comment on the application; and
- (b) the village road concerned (i.e. Hang Kai Lane) is maintained by Tai Po District Office.

## **9. Public Comments Received During Statutory Publication Period (Appendix III)**

The application was published for public inspection. During the statutory public inspection period, a total of 19 public comments were received. Two of them received from individuals object to the application mainly on the grounds that the proposed development will increase traffic flow, cause traffic congestion, generate pollution to the environment and increase fire risk; and the Site appears to be an orchard. The remaining 17 comments received from the Chairman of Tai Po Rural Committee (who is also a member of Tai Po District Council and village representative of Nam Wa Po), the village representative of Kau Liu Ha Village and individuals supporting the application mainly on the following grounds :

- (a) the shortage of parking spaces is a prolonged problem at Kau Liu Ha Village which adversely affect villagers’ daily lives. With an increase in village houses at Kau Liu Ha Village, there is increasing demand for parking spaces. However, there are insufficient public and metered parking spaces nearby. Villagers have to park their cars on government land during night time which

cause obstruction of village access. Thus, there is a genuine need for more car parking spaces in the area;

- (b) as there is no 24-hour public transportation service on Lam Kam Road, those villagers working on-shift have to rely on private cars. Besides, it is difficult for villagers to get on buses and mini-buses during the AM peak hours; and
- (c) there are several plant nurseries nearby and their visitors always park the cars at pedestrian access which obstructs village passages.

## 10. **Planning Considerations and Assessments**

- 10.1 The application is for a proposed temporary private vehicle park (private cars only) for a period of three years and filling of land at the Site mainly zoned “V” (about 74%) and partly zoned “AGR” (about 26%) on the OZP. The planning intentions of “V” and “AGR” zones are primarily intended for development of Small Houses by indigenous villagers; and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes respectively. DAFC does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation. Although the proposed private vehicle park is not entirely in line with the planning intentions of the Site, only a small portion of the Site is zoned “AGR”; there is no Small House application received for the Site; and the car park is to serve the local villagers of Kau Liu Ha. Given the temporary nature of the proposed use, approval of the application on a temporary basis for a period of three years would not jeopardize the long-term planning intentions of the “V” and “AGR” zones.
- 10.2 The Site is located at the eastern fringe of Kau Liu Ha Village, and accessible from Lam Kam Road via a village road (i.e. Hang Kai Lane). It is currently vacant, mostly covered with grass and no tree is found within the Site. The proposed temporary private vehicle park will provide a total of 22 parking spaces for private cars, which is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**). The Site is located within the upper indirect WGG. Noting that the applicant has undertaken to implement various preventive measures against water pollution to the upper indirect WGG (**Appendix Ib**), CE/C of WSD has no objection to the application on condition that the applicant should submit and implement proposal on grease trap and petrol interceptor to his satisfaction. In addition, the applicant should be advised to observe and strictly follow the “*Conditions for Working within WGG*” (**Appendix II**) as appropriate. Given the relatively small scale of the proposed use, it is unlikely that it would generate significant environmental nuisance. Other relevant government departments consulted including DEP, C for T, CHE/NTE of HyD, C of P, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no objection to or no adverse comment on the application.

- 10.3 To minimize any possible environmental nuisance generated by the proposed temporary private vehicle park and ensure that it would not degrade the environmental quality of the rural surrounding, approval conditions restricting the types of vehicles and prohibiting workshop-related activities during the planning approval period are recommended in paragraphs 11.2 (a) to (c) below. The technical concerns of relevant government departments on the application would also be addressed by way of stipulating relevant approval conditions. Any non-compliance with the approval conditions will result in revocation of the planning permission, and unauthorized development on site will be subject to enforcement action taken by the Planning Authority. Besides, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest *“Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”* to alleviate any potential environmental impact.
- 10.4 Regarding the public comments objecting to the application as detailed in paragraph 9 above, comments of Government departments and the planning assessments above are relevant.

## **11. Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department considers that the temporary use under application could be tolerated for a period of 3 years.
- 11.2 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 14.1.2025. The following conditions of approval and advisory clauses are also 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 the Site at any time during the planning approval period;
- (b) 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;
- (c) no vehicle inspection, maintenance, repairing and washing activities shall be carried out at the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (e) the provision of boundary fencing on the Site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 14.7.2022;
- (f) the submission of 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 14.7.2022;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.10.2022;
- (h) the submission of proposal on grease trap and petrol interceptor within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 14.7.2022;
- (i) in relation to (h) above, the implementation of proposal on grease trap and petrol interceptor within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 14.10.2022;
- (j) the submission of fire service installations proposal 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 14.7.2022;
- (k) in relation to (j) above, the implementation of the fire service installations proposal 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 14.10.2022;
- (l) if any of the above planning conditions (a), (b), (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
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) 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**.

11.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- the proposed development is not in line with the planning intentions of the "Village Type Development" and "Agriculture" zones which are primarily intended for the development of Small Houses by indigenous villagers; and to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission to justify a departure from the planning intentions, even on a temporary basis.

## 12. **Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions 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.
- 12.3 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.

## 13. **Attachments**

Appendix I	Application form and attachment received on 15.11.2021
Appendix Ia	Supplementary information received on 25.11.2021
Appendix Ib	Further Information received on 7.1.2022
Appendix II	<i>"Conditions for Working within Water Gathering Grounds"</i> issued by Water Supplies Department
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos