

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/714

- Applicant** : Mr. CHUNG Tin Pui
- Site** : Lot 824 in D.D. 10, Chai Kek, Lam Tsuen, Tai Po, New Territories
- Site Area** : About 318.1m²
- 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 8.3.2025

1. The Proposal

- 1.1 The applicant, the manager of Chung Yeung Tsit Tso (鍾揚捷祖), seeks renewal of planning permission to continue using the application site (the Site) for temporary private car park (private cars only) for a further period of three years until 8.3.2025. 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 10 parking spaces for private cars to serve local residents. The Site is accessible from Lam Kam Road via Chai Kek Road. A plan showing the layout and vehicular ingress/egress of the car park is at **Drawing A-1**. The Site is currently used for the applied use with valid planning permission (under Application No. A/NE-LT/661) until 8.3.2022.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) application form with attachments received on **(Appendix I)**
13.1.2022

(b) further information (FI) received on 21.1.2022 (Appendix Ia)
*(accepted and exempted from publication and
recounting requirements)*

(c) FI received on 16.2.2022 (Appendix Ib)
*(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** to **Ib** respectively, as summarized as follows:

- (a) there is a high demand for car parking spaces at Chai Kek Village; and
- (b) there is no change in the layout of the temporary car park when compared to the previously approved application (No. A/NE-LT/661).

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

The applicant is the sole “current land owner” of the Site. 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 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/661) 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 8.3.2019 for a period of three years mainly on the consideration that approval of the applied use on a temporary basis would not jeopardize the long-term planning intention of “V” zone; not incompatible with the surrounding village setting; and would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. All approval conditions have been complied with and the planning permission is valid until 8.3.2022. 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/661 in terms of site area, number of parking spaces and access arrangements.

6. Similar Applications

There are two similar applications (No. A/NE-LT/628 and 695) covering the same site for a temporary private car park providing a total of 27 parking spaces with part of the site within the same “V” zone (**Plan A-2**). These applications were approved with conditions by the Committee on 2.3.2018 and 26.2.2021 respectively mainly on the consideration that the proposed temporary use would not frustrate the long-term planning intentions of the “V” and “AGR” zones and would unlikely cause adverse traffic, environmental, drainage, landscape and sewage impacts on the surrounding areas. Details of the applications are summarized at **Appendix IV** and the location is shown on **Plan A-2**.

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 Chai Kek and surrounded by village houses to its immediate north and west; and
- (c) abutting a local track leading to Chai Kek Road.

7.2 The surrounding areas are predominantly rural in character with village houses, fallow/active agricultural land and tree groups. Another temporary private car park approved under Application No. A/NE-LT/695 is located about 90m to the northwest.

8. Planning Intention

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 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 falls on Lot 824 in D.D. 10, Chai Kek, Lam Tsuen. The private lot is held under Block Government Lease demised for agricultural purpose, and no structure shall be erected thereon without prior approval from LandsD. Recent inspection reveals that the Site is used as an open carpark;
- (c) the ingress/egress is on unallocated government land (**Plan A-2**). The maintenance and management responsibility of the said government land should be sorted out with relevant government departments. Neither occupation nor works of any kind thereon is/are allowed without prior approval from LandsD;
- (d) 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
- (e) no Small House application has been received at the Site.

Traffic

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

- no in-principle objection to the application from traffic engineering point of view.

Environment

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

- (a) the applicant is advised to follow 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.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint; and
- (b) should the application be approved, approval conditions on the maintenance of drainage facilities and the submission of a condition record of the existing drainage facilities implemented on the Site under the previously approved Application No. A/NE-LT/661 are required.

Water Supply

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

- (a) no objection to the application;
- (b) should the application be approved, an approval condition on the maintenance of the existing grease trap and petrol interceptor implemented on the Site under the previously approved Application No. A/NE-LT/661 is required; and
- (c) the applicant is reminded of the following:
 - (i) proper maintenance and disposal records should be maintained; and
 - (ii) any soil contaminated with fuel leakage shall be immediately removed off site and the voids arising from removal of contaminated soil shall be replaced by suitable material to the satisfaction of the Water Authority.

Fire Safety

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

- no in-principle objection to the application.

9.2 The following government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTW, HyD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (e) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

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

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 will increase the traffic flow and cause traffic congestion problem; have fire hazard as the Site is next to a number of village houses; bring adverse impacts on environment and ecology; affect the security and quality of life of local villagers; and the applicant has applied many times to extend the time for fulfilment of 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 jeopardize 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/661) 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 Site is located within the village proper of the “V” zone of Chai Kek. The applied use is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**). 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. 34D 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 time-limited approval conditions under the previous application No. A/NE-LT/661 have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 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.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the renewal 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 9.3.2022 to 8.3.2025**. 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/stored on the site at any time during the planning approval period;
- (b) no vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time 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) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing grease trap and petrol interceptor implemented on the site shall be maintained at all times during the planning approval period;
- (f) 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 **9.6.2022**;
- (g) in relation to (f) above, the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) 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
- (i) if the above planning condition (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 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 13.1.2022
Appendix Ia	FI received on 21.1.2022
Appendix Ib	FI received on 16.2.2022
Appendix II	Relevant Extract of TPB Guidelines No. 34D 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	Similar applications
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
MARCH 2022**