

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/730

<u>Applicants</u>	Messrs. WONG Chi Hing and WONG Yun Hung, all represented by Mr. WONG Chee Keung
<u>Site</u>	Lots 276 S.B RP and 277 in D.D. 8, Tai Yeung Che, Lam Tsuen, Tai Po
<u>Site Area</u>	About 1,392.3m ²
<u>Lease</u>	Block Government Lease (demised for agricultural purpose)
<u>Plan</u>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Renewal of Planning Approval for Temporary Private Car Park (Private Cars and Light Goods Vehicles Only) for a Period of 3 Years until 20.9.2025

1. The Proposal

- 1.1 The applicants, the managers of Wong Tak Hing Tong (黃德慶堂) and Wong Wan Ming Tso (黃運明祖), seek renewal of planning permission to continue using the application site (the Site) for temporary private car park (private cars and light goods vehicles (LGVs) only) for a further period of three years until 20.9.2025 (**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 requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicants, a total of 32 parking spaces for private cars and LGVs are provided within the Site to serve local residents. No structure is proposed at the Site. The operation hours of the car park is 24 hours daily. 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/671 until 20.9.2022.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form with attachments received on **(Appendix I)**
30.6.2022
- (b) Further information (FI) received on 12.8.2022 **(Appendix Ia)**

2. **Justifications from the Applicant**

The justifications put forth by the applicants in support of the application are detailed in the attachment of the application form and FI at **Appendices I and Ia**, as summarized below:

- (a) the temporary car park is for villagers' convenience as there are insufficient parking spaces in Tai Yeung Che;
- (b) the applicants have complied with all the approval conditions under Application No. A/NE-LT/671; and
- (c) there is no change to the layout of the existing car park.

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

The applicants are the sole "current land owners". 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 at **Appendix II**.

5. **Previous Application**

The Site is the subject of a previously approved application (No. A/NE-LT/671) submitted by the same applicants for the same temporary use as the current application. It was approved by the Committee on 20.9.2019 mainly on the ground that the temporary nature of the proposed use would not jeopardize the long-term planning intention of the "V" zone. All approval conditions of the application have been complied with. Details of the application are summarized at **Appendix III**.

6. **Similar Application**

There is no similar application within the same "V" zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) generally flat and paved, and currently used as a car park;
- (b) situated within the village proper of Tai Yeung Che and surrounded by village houses; and
- (c) accessible from Tai Yeung Che Road via a local track.

7.2 The surrounding areas are predominantly rural in character with village houses, fallow/active agricultural land and tree groups.

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 Houses by indigenous villages. 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

All the 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 at **Appendices IV** and **V**.

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

On 8.7.2022, the application was published for public inspection. During the statutory public inspection period, a total of two public comments were received from individuals. One of the comments objects 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. The other public comment suggests that the car parking spaces should be stacked up to free up spaces for the provision of other uses such as community facilities for better land utilization.

11. Planning Considerations and Assessments

11.1 The application is for renewal of planning permission for temporary private car park (private cars and LGVs only) for a further period of three years at the Site zoned “V” on the OZP. Whilst the proposal is not totally in line with the

planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, District Lands Officer/Tai Po of Lands Department has no objection to the application and advises that there is no Small House application received for the Site. Moreover, according to the applicants, the temporary private carpark is to serve the local residents of Tai Yeung Che. Given the temporary nature of the applied use, approval of the application on a temporary basis for a period of 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/671) 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 paved and currently used as a car park. It is surrounded by village houses (**Plans A-3 and A-4**) and the applied use is considered not incompatible with the surrounding village setting. CTP/UD&L, PlanD advises that no significant landscape impact is anticipated. According to DEP, no environmental complaint has been received on the Site in the past three years. Other relevant government departments consulted, including C for T, CE/MN of DSD, CE/C of WSD, H(GEO) of CEDD, CHE/NTE of HyD, DAFC, C of P, D of FS, and DO/TP of HAD have no objection to or no adverse comment on the application.
- 11.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the previous applications; 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/671 have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval. In this regard, favourable consideration could be given to the current renewal application.
- 11.5 For public comments as detailed in paragraph 10 above, comments of government departments 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 considers that the temporary use under application could be tolerated 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, and be renewed from 20.9.2022 until 20.9.2025. The following approval conditions 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 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) a notice should be posted at a prominent location of the Site to indicate that 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;
- (d) 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;
- (e) the development should not cause any water pollution to the upper indirect water gathering ground at any time 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 20.12.2022;
- (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) the existing fire services installations implemented on the site shall be maintained in efficient working order at all times;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (g) or (h) 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 (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.

[Conditions (a) to (e) are the same as the previous application No. A/NE-LT/671, except for the addition of conditions (f), (g) and (h) on maintenance of drainage facilities and FSIs; and deletion on those conditions related to provision of boundary fencing, and submission and implementation of drainage

proposal and grease trap and petrol interceptor which have been duly implemented.]

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the renewal application.

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 30.6.2022
Appendix Ia	Further information received on 12.8.2022
Appendix II	Relevant extract of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous application
Appendix IV	Detailed comments from relevant government departments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
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