

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

**APPLICATION NO. A/NE-LT/757**

- Applicants** : Mr. CHUNG Chi Wing  
Mr. CHUNG Chi Hung  
Mr. CHUNG Brian Chi Wah  
Mr. CHUNG Duncan Chi Tong  
Ms. LEUNG Chiu Kwan  
all represented by Mr. LEE Ting Yau
- Site** : Lots 1055 S.B ss.5 RP and 1055 S.B ss.4 in D.D. 8, San Tong, Lam Tsuen, Tai Po
- Site Area** : About 370m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zonings** : “Agriculture” (“AGR”) (about 97%)  
Area shown as ‘Road’ (about 3%)<sup>1</sup>
- Application** : Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years and Filling of Land

**1. The Proposal**

- 1.1 The applicants seek planning permission for a temporary private vehicle park (private cars only) for a period of three years at the application site (the Site), which falls within an area largely zoned “AGR” on the OZP (**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 as well as filling of land in “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without any valid planning permission.
- 1.2 According to the applicants, the temporary private vehicle park provides nine parking spaces for private cars serving local villagers. The applied filling of land involves an area of 370m<sup>2</sup> at a depth of about 0.05m on the Site. The operating hours of the temporary car park would be 24 hours daily (including public holidays). The Site is accessible from Lam Kam Road via a local track. A plan showing the layout and vehicular ingress/egress of the car park is at **Drawing A-2**.

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<sup>1</sup> A very minor portion of the Site (about 10m<sup>2</sup> or 3%) falls within an area shown as ‘Road’, which can be considered as minor boundary adjustment and will not be included in the planning assessments.

- 1.3 The Site is the subject of a previous application (No. A/NE-LT/746) submitted by the same applicants for the same applied use (**Plans A-1 and A-2a**). It was rejected by the Rural and New Town Planning Committee (the Committee) on 9.12.2022. Details of previous application are set out in paragraph 5 below. Compared with the previous application, the development parameters are generally the same.
- 1.4 In support of the application, the applicants have submitted an Application Form with attachment received on 30.3.2023 (**Appendix I**).

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are set out at **Appendix I** as summarized below:

- (a) the Site is not suitable for farming activities and currently left idle;
- (b) the Site is located in close proximity to San Tong Tsuen. The applied use will better utilize the vacant land and meet the parking demand of the villagers. It will not cause adverse environmental and water quality impacts; and
- (c) the application is supported by the representative of San Tong Tsuen and a former Tai Po District Council member.

## **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. Background**

The Site is part of the subject of a planning enforcement case (No. E/NE-LT/79) against unauthorized development (UD) involving parking of vehicles and storage use (**Plan A-2**). Reinstatement Notice (RN) was issued on 9.8.2022 requiring reinstatement of the concerned land. As the Site has not been reinstated upon expiry of the RN on 9.11.2022, prosecution action may be undertaken.

## **5. Previous Application**

The Site is the subject of a previous application (No. A/NE-LT/746) submitted by the same applicants for the same applied use. It was rejected by the Committee in December 2022 mainly for being not in line with the planning intention of the “AGR” zone; and the applicants failed to demonstrate that the applied use located within the water gathering grounds (WGG) would not cause adverse impact on the water quality in the area.

**6. Similar Application**

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

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

7.1 The Site is:

- (a) hard paved with concrete and currently vacant;
- (b) situated at the northwestern fringe of San Tong Tsuen;
- (c) accessible via a local track connecting Lam Kam Road; and
- (d) located within the upper indirect WGG.

7.2 The surrounding areas are predominantly rural in character comprising small houses, farmland, vegetated areas and clusters of tree groups. To its immediate southeast is the village proper of San Tong Tsuen. To its immediate north is Lam Kam Road.

**8. Planning Intention**

8.1 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.

8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the “AGR” zone.

**9. Comments from Relevant Government Departments**

9.1 Apart from the government departments as set out in paragraph 9.2 below, other 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 III** and **VI** respectively.

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

**Agriculture**

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

- (a) the Site is a piece of vacant 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.

### **Water Supply**

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

- (a) the Site is within upper indirect WGG. It is considered that there are risks of contamination to the WGG due to the operation and management of the private vehicle park; and
- (b) having reviewed the submission, it is considered that the information is insufficient to prove and demonstrate that there would be no material increase in pollution effect to the WGG resulting from the applied use. Therefore, he has reservation on the application.

### **10. Public Comments Received During Statutory Publication Period**

On 11.4.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the applicants failed to demonstrate that the applied use located within the WGG would not cause adverse impact on the water quality in the area (**Appendix V**).

### **11. Planning Considerations and Assessments**

- 11.1 The application is for a temporary private vehicle park (private cars only) for a period of three years at the Site zoned “AGR” (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation. There is no strong justification in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis.
- 11.2 The Site is situated at the northwestern fringe of San Tong Tsuen. It is part of the subject of a planning enforcement case against unauthorized car parking and storage uses. Past aerial photos reveal that vegetation within the Site and its immediate surroundings has been cleared since 2018 (**Plan A-3**). CTP/UD&L of PlanD states that the site is occupied by some private cars with some self-seeded vegetation at the periphery. Significant adverse impact on the landscape character and the existing landscape resources within the site arising from the applied use is not anticipated.

- 11.3 The applied use involves nine parking spaces for private cars. The applicants indicate that the parking spaces are for the use of nearby villagers. C for T has no objection to the application from traffic engineering point of view.
- 11.4 The Site is the subject of a previous application (No. A/NE-LT/746) submitted by the same applicants for the same applied use. It was rejected by the Committee in 2022 mainly for being not in line with the planning intention of the “AGR” zone; and the applicants failed to demonstrate that the applied use located within the WGG would not cause adverse impact on the water quality in the area. In submitting the current application, the applicants have not provided any information to address the concern on impact on water quality. CE/C, WSD has reservation on the application as he considers that the applicants fail to demonstrate that there would be no material increase in pollution effect to the WGG resulting from the applied use. The planning circumstances for rejecting the latest previous application are applicable to the current application.
- 11.5 Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no adverse comment from the drainage and environmental perspectives.
- 11.6 However, there is no similar application within the same “AGR” zone under the OZP. Approval of the application would encourage similar applications within the “AGR” zone, resulting in more vegetated areas being turned into hard paved areas. It would set an undesirable precedent for similar applications within the “AGR” zone and encourage similar site/vegetation clearance prior to obtaining planning permission. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.
- 11.7 Regarding the public comment objecting to the application 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 comment mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the development is not in line with the planning intention of the “Agriculture” zone which is primarily 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 for a departure from the planning intention, even on a temporary basis; and
  - (b) the applicants fail to demonstrate that the development located within

the water gathering ground would not cause adverse impact on the water quality in the area.

- 12.2 Alternatively, 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 19.5.2026. 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 car 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 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 19.11.2023;
- (d) in relation to (c) above, the implementation of the 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 19.2.2024;
- (e) the submission of a 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 19.11.2023;
- (f) in relation to (e) above, the implementation of the 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 19.2.2024;
- (g) the submission of a 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 19.11.2023;
- (h) in relation to (g) 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 19.2.2024;
- (i) if any of the above planning condition (a) or (b) 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;
- (j) if any of the above planning condition (c), (d), (e), (f), (g) or (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; and

- (k) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 13.3 Alternatively, 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.

### **14. Attachments**

Appendix I	Application form and attachment received on 30.3.2023
Appendix II	Previous application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Appendix VI	"Conditions for Working within Water Gathering Grounds" issued by Water Supplies Department
Drawings A-1 and 2	Site plan and Parking layout submitted by the applicants
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photos
Plan A-4	Site photos

**PLANNING DEPARTMENT  
MAY 2023**