

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

**APPLICATION NO. A/NE-LT/764**

- Applicants** : Messers. CHUNG Lap Kee, CHUNG Chor Hei, CHUNG Cheuk Wai and CHUNG Wing Chun represented by Mr. HUI Kwan Yee
- Site** : Lots 408 S.B ss.2, 408 S.B ss.3, 408 S.B ss.4, 408 S.B ss.5 and 408 S.B RP (Part) in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po, New Territories
- Site Area** : About 705.6m<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 84.5%)  
“Village Type Development (“V”) (about 15.5%)
- Application** : Renewal of Planning Approval for Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of Three Years until 2.3.2027

**1. The Proposal**

- 1.1 The applicants seek renewal of planning permission to continue using the application site (the Site) for temporary private car park (private cars and light goods vehicles) for a further period of three years until 2.3.2027. 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 information submitted by the applicants, the applied use provides 27 parking spaces for private cars and light goods vehicles and operates 24 hours a day. No toilet facility is provided on the Site. The Site is accessible from Chai Kek Road via a local track. The layout of the temporary private car park is shown in **Drawing A-1**. The Site is currently used for the applied use with valid planning permission (under Application No. A/NE-LT/695) until 2.3.2024.
- 1.3 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 12.1.2024 **(Appendix I)**

(b) supplementary information received on 16.1.2024 (Appendix Ia)

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

The justifications put forth by the applicants in support of the application are detailed in Part 7 of the application form and supplementary information at **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) the applicants would like to continue using the Site as a temporary private car park;
- (b) there is no change to the temporary carparking use and the layout of parking spaces as compared to the previous approved applications (No. A/NE-LT/628 and 695); and
- (c) the applicants have complied with approval condition (e) under application No. A/NE-LT/695 in relation to the submission of a condition record of the existing drainage facilities.

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

The applicants are the sole “current land owners” of the lots. 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 Applications**

5.1 The Site is the subject of two approved previous applications (No. A/NE-LT/628 and 695). Both applications were submitted by the same applicants for the same applied use as the current one. The first application No. A/NE-LT/628 was approved by the Rural and New Town Planning Committee (the Committee) on 2.3.2018 for a period of three years mainly on considerations that approval of the applied use on a temporary basis would not frustrate the long-term planning intention of “AGR” and “V” zones; 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 areas. Application No. A/NE-LT/695 was a renewal application of No. A/NE-LT/628, which was approved by the Committee on 26.2.2021 for another three years mainly on the same considerations. All approval conditions of the previous applications (No. A/NE-LT/628 and 695) have been complied with, and there had been no material change in planning circumstances since the approval of the last previous application.

- 5.2 The current application is the same as the two previously approved scheme in terms of site area, number and layout of parking spaces and access arrangements.

## **6. Similar Application**

While there is no similar application within the same “AGR” zone of the Site, similar application (No. A/NE-LT/661) and its renewal application (No. A/NE-LT/714) for temporary private car park falling within the same “V” zone was located about 100m to the southeast of the Site. The applications were approved by the Committee on 8.3.2019 and 4.3.2022 respectively on similar considerations as mentioned in paragraph 5.1 above. Details of the similar applications are summarized at **Appendix IV** and the location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) generally flat, hard-paved and currently used as a private car park; and
- (b) situated at the northwestern fringe of Chai Kek and accessible via a local track from Chai Kek Road (**Drawing A-1**).

7.2 The surrounding areas are predominantly rural in character with village houses, temporary structures, active/fallow agricultural land and tree groups. A cluster of village houses within the “V” zone are found to the immediate east of the Site.

## **8. Planning Intentions**

8.1 The planning intention of the “AGR” zone is to primarily 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 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.

## **9. Comments from Relevant Government Departments**

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are at **Appendices V and VI** respectively.

**10. Public Comment Received During Statutory Publication Period**

On 23.1.2024, the application was published for public inspection. During the statutory publication period, no public comment was received.

**11. Planning Considerations and Assessments**

- 11.1 This application is the second renewal of planning approval for temporary private car park for a period of three years at the Site mainly zoned “AGR” (about 84.5%) and partly zoned “V” (about 15.5%) on the OZP. While the applied use is not entirely in line with the planning intentions of “AGR” and “V” zones which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and for development of Small Houses by indigenous villagers respectively, DAFC has no strong view on the renewal application considering that the previous application for the same use was approved by the Board; and DLO/TP of LandsD advises that there is no Small House application received for the Site. In this regard, taking into account the assessment below, approval of the application on a temporary basis of three years could be tolerated.
- 11.2 The current application is the same as the last approved application (No. A/NE-LT/695) in terms of the applied use, site area, number and layout of parking spaces and access arrangements. All approval conditions of the previous applications have been complied with and there has been no material change in the planning circumstances since the approval of the previous applications.
- 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 significant adverse impact on existing landscape resources is not anticipated. 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 in that there has been no material change in planning circumstances since the approval of the previous application; no major adverse departmental comments; all the approval conditions under the previous application have been complied with; and the three year approval period sought is the same as the last approval and is considered reasonable.

**12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary use could be tolerated for a further period of three years 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 3.3.2024 to 2.3.2027**. The following approval conditions and advisory clauses are also suggested for Members' reference:

**Approval conditions**

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the ~~S~~site at any time during the planning approval period;
- (b) no reversing of vehicles into or out from the ~~S~~site is allowed at any time during the planning approval period;
- (c) the preventive measures against water pollution to the upper indirect water gathering ground should be properly maintained at all times during planning approval period;
- (d) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (e) 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 **3.6.2024**;
- (f) in relation to (e) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (f) 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;
- (h) if the above planning condition (e) 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
- (i) upon expiry of the planning permission, the reinstatement of the portion of the ~~S~~site falling within "Agriculture" zone 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 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 "AGR" 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. It is also not in line with the planning intention of the “V” zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intentions, 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 applicants.

### **14. Attachments**

<b>Appendix I</b>	Application form and attachments received on 12.1.2024
<b>Appendix Ia</b>	Supplementary information received on 16.1.2024
<b>Appendix II</b>	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
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Similar applications
<b>Appendix V</b>	Detailed comments from relevant government departments
<b>Appendix VI</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan submitted by the applicants
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MARCH 2024**