

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/766

<u>Applicants</u>	:	Messrs. LAM Sheung Wa (or Wah) Tso, LAM Shu Wing, LAM Sun Fu represented by WinLi Group Limited T/A WinLi Consulting Engineers
<u>Site</u>	:	Lots 1190 RP and 1192 S.B RP in D.D. 7, Kau Liu Ha, Lam Tsuen, Tai Po
<u>Site Area</u>	:	About 415m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tsuen Outline Zoning Plan No. S/NE-LT/11
<u>Zonings</u>	:	“Village Type Development” (“V”) (about 98.6%) “Agriculture” (“AGR”) (about 1.4%) ¹
<u>Application</u>	:	Temporary Private Vehicle Park (Private Cars Only) for a Period of Three Years

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). The Site falls within an area largely zoned “V” (about 98.6%) with a minor portion zoned “AGR” (about 1.4%) on the OZP (**Plan A-1**). According to the covering 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). The Site is hard-paved and currently occupied by the applied use without any valid planning permission.
- 1.2 According to the applicants, the temporary private vehicle park provides 26 parking spaces for private cars serving local villagers. The operating hours of the temporary car park would be 24 hours daily (including public holidays). Preventive measures such as installation of grease traps and petrol interceptors at the drainage outlets, and erection of fencing near the streamcourse will be adopted to prevent water pollution in the upper indirect water gathering ground (WGG) (**Appendix Ia**). The Site is accessible from Lam Kam Road via Hang Kai Lane. A plan showing the layout and vehicular ingress/egress of the car park submitted by the applicants is shown in **Drawing A-1**.

¹ A minor portion of the Site (about 5.93m² or 1.4%) falls within “AGR” zone, which can be considered as minor boundary adjustment allowed under the covering Notes of the OZP.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachment received on 16.4.2024 (Appendix I)
- (b) Further Information (FI) received on 24.6.2024^ (Appendix Ia)
^ accepted and exempted from publication and recounting requirements

1.4 On 7.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicants' request to defer making a decision on the application for two months to address departmental comments.

2. **Justifications from the Applicants**

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

- (a) with an increase in the village population, there is a need to provide more parking spaces; and
- (b) appropriate measures would be implemented to ensure no adverse impact on the water quality of the streamcourse nearby.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is part of the subject of a planning enforcement action (No. E/NE-LT/87) against unauthorized development (UD) involving parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 30.1.2024 requiring discontinuation of the UD by 30.4.2024. Recent site inspection revealed that the UD still continued upon expiry of the notice, and prosecution action is being considered.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Application**

6.1 There is one similar application (No. A/NE-LT/702) for the same use for a period of three years straddling the same “V” and “AGR” zones in the vicinity of the Site (**Plan A-1**), which was approved by the Committee on 14.1.2022 mainly on considerations that the applied use on a temporary basis would not jeopardize the long-term planning intentions of the “V” and “AGR” zones; being not incompatible with the surrounding village setting, and significant environmental nuisance would unlikely be generated.

- 6.2 Details of the similar application are at **Appendix II** and its location is shown on **Plan A-1**.

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

- 7.1 The Site is:

- (a) hard-paved and currently occupied by the applied use without any valid planning permission;
- (b) situated at the eastern fringe of Kau Liu Ha Village;
- (c) accessible from Lam Kam Road via Hang Kai Lane (**Plan A-2**); and
- (d) located within the upper indirect WGG.

- 7.2 The surrounding areas are predominantly rural in character comprising village houses, farmlands and tree clusters. A streamcourse runs to the northeast of the Site (**Plan A-2**). To its west is the village proper of Kau Liu Ha and Hang Ha Po.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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

- 9.1 Apart from the government department as set out in paragraph 9.3 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 **IV** respectively.

- 9.2 The following government department supports the application:

Traffic

- 9.2.1 Comments of the Commissioner for Transport (C for T):

- (a) supports the application in view of the parking demand in the vicinity; and
- (b) the concerned area and the village road the concerned area and the village road (i.e. Hang Kai Lane) connecting to the Site from Lam Kam Road is not managed by Transport Department.

9.3 The following government department does not support the application:

Agriculture

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

- (a) the Site falls within an area zoned “AGR” and “V” and is generally vacant. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available; and
- (b) the Site can be used for agricultural activities. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective.

10. Public Comment Received During Statutory Publication Period

On 23.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing views on the application that there is already another public vehicle park nearby (**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 largely zoned “V” (about 98.6%) on the OZP (**Plan A-1**). The applied use is not entirely in line with the planning intention of “V” zone which is primarily intended for development of Small Houses by indigenous villagers. However, the vehicle park is to serve the local villagers of Kau Kiu Ha Village and C for T supports the application in view of the parking demand in the vicinity. Besides, the District Lands Officer/Tai Po of Lands Department advises that there is no Small House application received for the Site. While DAFC does not support the application as the Site within “AGR” zone possesses potential for agricultural rehabilitation, it should be noted that only a minor portion (about 5.39m² or 1.4%) of the Site is zoned “AGR”. In view of the above, it is considered that the applied use on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the Site.
- 11.2 The Site is located at the eastern fringe of Kau Liu Ha Village, and accessible from Lam Kam Road via Hang Kai Lane. The applied use will provide a total of 26 parking spaces for private cars, which is considered not incompatible with the landscape character of its surrounding village setting (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department advises that significant adverse impact on existing landscape resources is not anticipated.
- 11.3 The Site is located within the upper indirect WGG. Noting that the applicants have undertaken to implement the mitigation measures against water pollution to the upper indirect WGG, the Chief Engineer/Construction of Water Supplies Department has no objection to the application on condition that the applicants should be required to follow and implement the mitigation measure proposed in the submission. Other relevant government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from environmental, drainage and fire safety perspectives respectively.

- 11.4 There is one similar application (No. A/NE-LT/702) for the same use for a period of three years within the same “V” zone in the vicinity of the Site (**Plan A-1**), which was approved by the Committee on 14.1.2022 mainly on considerations as detailed at paragraph 6.1 above. The planning circumstances of the current application are similar to this approved application. Approval of the current application is in line with the Committee’s previous decision.
- 11.5 Regarding the public comment on the application as detailed in paragraph 10 above, the planning considerations and departmental comments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the applied use on temporary basis of three years could be tolerated.
- 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 until 16.8.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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 16.2.2025;
- (b) in relation to (a) above, the provision of drainage facilities 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 16.5.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 16.2.2025;
- (e) in relation to (d) 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 16.5.2025;
- (f) 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 16.2.2025;
- (g) in relation to (f) 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 16.5.2025;
- (h) if the above planning condition (c) 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 any of the above planning condition (a), (b), (d), (e), (f) or (g) 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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "V" zone, which are primarily intended for development of Small Houses by indigenous villagers. 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 the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) 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.
- 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 with Attachments received on 16.4.2024
Appendix Ia	FI received on 24.6.2024
Appendix II	Similar Application
Appendix III	Government Department's General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Appendix VI	"Conditions for Working within WGGs" issued by Water Supplies Department
Appendix VII	"Requirements of Fireman's Emergency Switch" issued by Fire Services Department
Drawing A-1	Layout Plan submitted by the Applicants
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos