

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/773

<u>Applicant</u>	:	Mr. CHEUNG Leung Fat represented by Mr. HUI Kwan Yee
<u>Site</u>	:	Lot 915 RP in D.D. 25, Tai Om, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	:	About 2,841m 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>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Temporary Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary public vehicle park (PVP) (private cars only) for a period of three years at the application site (the Site). The Site falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘PVP (excluding container vehicle)’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently used as the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Tai Om Road (**Plan A-2**). According to the applicant, the temporary PVP provides 50 parking spaces for private cars serving local villagers. The operating hours of the temporary car park would be 24 hours daily (including public holidays). No toilet facilities will be erected on the Site and preventive measures such as erection of boundary fencing will be adopted to prevent water pollution in the upper indirect water gathering ground (WGG). A plan showing the layout and vehicular ingress/egress of the car park submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of two previous applications submitted by the same applicant for the same use as the current application (details at paragraph 5 below). The previous applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively and the planning permissions already lapsed.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachment received on 19.8.2024 **(Appendix I)**
 - (b) Further Information (FI) received on 22.11.2024[^] **(Appendix Ia)**
[^] *accepted and exempted from publication and recounting requirement*

- 1.5 On 4.10.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months to address departmental comments.

2. Justifications from the Applicant

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

- (a) the Site is subject of previous planning application No. A/NE-LT/632 approved by the Committee for the same use, and it was lapsed as the applicant forgot to apply for renewal of planning approval¹;
- (b) with an increase in the village population, there is a need to provide more parking spaces;
- (c) the applied use may reduce the incidence of illegal parking and to alleviate any obstruction or road safety risks it may cause; and
- (d) the applied use would not cause adverse impact on water quality.

3. Background

The Site is currently not subject to any active planning enforcement action.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and giving notification to the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-LT/632 and A/NE-LT/696). Application No. A/NE-LT/632 was submitted by the same applicant as the current application for the same use, which was approved by the Committee on 1.6.2018 mainly on considerations that the proposed use would not frustrate the long-term planning intention of the “V” zone; was not incompatible with the surrounding areas, and no significant adverse traffic, drainage and landscape impacts on the surrounding areas were anticipated. The planning approval was renewed via application No. A/NE-LT/696 which was approved by the Committee on 30.4.2021 on similar grounds. Compared with the last application, the current application is at the same site with same development parameters and layout.
- 5.2 Details of the above previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

¹ It should be noted that application No. A/NE-LT/632 was renewed via application No. A/NE-LT/696 which was approved by the Committee on 30.4.2021 and lapsed on 1.6.2024.

6. Similar Application

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

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

7.1 The Site is:

- (a) generally flat, mainly hard-paved and currently occupied by the applied use without any valid planning permission;
- (b) situated within the village proper of Tai Om and bounded by Tai Om Children Playground to the west and village houses to the south and east;
- (c) accessible via a local track leading to Tai Om Road (**Plan A-2**); and
- (d) located within the upper indirect WGG and is less than 30m from the nearest water course.

7.2 The surrounding areas mainly comprise village houses, some farmlands, tree clusters and vacant/unused land.

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 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 9.2, other government 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:

Transport

Comment of the Commissioner for Transport (C for T):

- supports the application in view of the parking demand in the vicinity.

10. Public Comment Received During Statutory Publication Period

On 27.8.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary public vehicle park (private cars only) for a period of three years at the Site zoned “V” 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, there is no Small House application received for the Site as advised by District Lands Officer/ Tai Po, Lands Department (DLO/TP, LandsD), and the applied use is to serve the local villagers of Tai Om. C for T supports the application in view of the parking demand in the vicinity. In this regard, it is considered that the approval of the application for a period of three years would not jeopardize the long-term planning intention of the “V” zone.
- 11.2 The Site is located within the village proper of the “V” zone of Tai Om. The temporary PVP will provide a total of 50 parking spaces for private cars. The Site is generally flat and mainly hard-paved. The applied use is considered not incompatible with the surrounding village setting (**Plans A-2 and A-3**), which are predominated by village houses, some farmlands, tree cluster and vacant/unused land.
- 11.3 The Site is located within the upper indirect WGG and the applicant has confirmed that no toilet facility will be erected and preventive measures such as erection of boundary fencing will be adopted to prevent water pollution in the upper indirect WGG (**Appendix Ia**). In this connection, the Director of Environmental Protection and Chief Engineer/Construction of Water Supplies Department have no objection to/no comment on the application on condition that the development should not cause any water pollution to the upper indirect WGG. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Site is the subject of two previous applications (No. A/NE-LT/632 and A/NE-LT/696). Application No. A/NE-LT/632 was submitted by the same applicant as the current application for the same use, which was approved by the Committee on 1.6.2018 mainly on considerations that the proposed use would not frustrate the long-term planning intention of the “V” zone; was not incompatible with the surrounding areas, and no significant adverse traffic, drainage and landscape impacts on the surrounding areas were anticipated. The planning approval was renewed via application No. A/NE-LT/696 which was approved by the Committee on 30.4.2021 on similar grounds. The planning circumstances of the current application are similar to those of the previously approved applications. As such, approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection 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 until 10.1.2028. 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 10.7.2025;
- (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 10.10.2025;
- (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 10.7.2025;
- (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 10.10.2025;
- (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 10.7.2025;
- (g) in relation to (f) above, the implementation of the FSIs 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 10.10.2025;
- (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 VI**.

- 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 is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such 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.
- 13.2 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 19.8.2024
Appendix Ia	FI received on 22.11.2024
Appendix II	Previous Applications
Appendix III	Detailed Comments from Relevant Government Departments
Appendix IV	Recommended Advisory Clauses
Appendix V	“Conditions for Working within WGGs” issued by WSD
Appendix VI	“Requirements of Fireman’s Emergency Switch” issued by Fire Services Department
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
JANUARY 2025**