

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/760

- Applicants** : Messrs. DUNG KA Wo, TANG Fook Hing, TANG Chi Kit (Manager of TANG Kam Tso) represented by Mr. PANG Hing Yeun
- Site** : Taxlot Lot 1766 RP (Part) in D.D. 83, Tze Tong Tsuen, Lung Yeuk Tau, Fanling, New Territories
- Site Area** : 3,154.72 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/18
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Vehicle Park (Private Car and Light Goods Vehicle Only) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) for a temporary private vehicle park (private car and light goods vehicle only) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “V” on the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/18. According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicants, there are 66 parking spaces (5m x 2.5m each) for private cars and 34 parking spaces for light goods vehicles at the southern and northern portion of the Site respectively. One single-storey structure is provided as guard room with a total floor area of about 14.88 m² at the western portion of the Site (**Drawing A-1**). The ingress/egress point is about 10 m wide for two-lane traffic (**Drawing A-2**). The applicants estimate that there would be about 40 to 50 vehicular trips per day. The Site is accessible via a local road leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plan A-1**). The operation hours of the temporary car park are 24 hours daily. Plans showing the site layout and access are at **Drawings A-1 and A-2**.

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

(a) Application Form with attachments received on 31.1.2022 **(Appendix I)**

(b) Supplementary Information received on 9.2.2022 **(Appendix Ia)**

1.4 In light of the special work arrangements for government departments due to the Covid-19 pandemic, the meeting originally scheduled for 18.3.2022 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in part 9 of the application form and the supplementary information at **Appendices I to Ia** respectively. They can be summarized as follows:

- (a) there is insufficient parking spaces in Lung Yeuk Tau Village;
- (b) the car parking provision could serve villagers in Tze Tong Tsuen, Lo Wai and Tung Kok Wai where the parking spaces are not sufficient to cater for the needs of the villagers;
- (c) the Site is accessible via various local tracks. There is a maximum 5m wide internal circulation and entrance of around 10m wide, which are sufficient for manoeuvring of emergency vehicles and two-lane traffic. No adverse traffic impact is anticipated; and
- (d) no tree felling, land filling and excavation works would be involved. No environmental impact is anticipated.

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 under close monitoring for an unauthorized use of parking of vehicles.

5. Previous Application

There is no previous application for the Site.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-LYT/710 and 755) for temporary public vehicle park within the “V” zone in the vicinity of the Site. Applications No. A/NE-LYT/710 and 755 covering the same site for a temporary public vehicle park providing a total of 43 parking spaces within the “V” zone (**Plan A-1**). These applications were approved with conditions by the Committee on 20.9.2019 and 1.4.2022 respectively mainly on the considerations that the vehicle park was to serve the local residents; not incompatible with the surrounding land uses; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas.
- 6.2 Details of the applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) paved and fenced off;
 - (b) currently used for car parking; and
 - (c) accessible via a local track leading to Sha Tau Kok Road – Lung Yeuk Tau.
- 7.2 The surrounding areas are rural in character dominated by clusters of village houses, temporary domestic structures and vacant land. To the immediate north and south of the Site are temporary domestic structures and village houses respectively. To the southwest across the local track is Tang Chung Ling Ancestral Hall and Tin Hau Temple.

8. Planning Intention

The planning intention of the “V” zone in the Lung Yeuk Tau and Kwan Tei South area 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. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

9. Comments from Relevant Government Departments

Relevant government 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 in **Appendices III** and **IV** respectively.

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

On 25.2.2022, the application was published for public inspection. During the statutory public inspection period, three public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The remaining comments from two individuals object to the application mainly on the grounds of adverse traffic and environmental impacts, and deviation from the planning intention of “V” zone.

11. Planning Considerations and Assessments

11.1 The application is for a temporary private vehicle park (private car and light goods vehicle only) for a period of 3 years at the Site zoned “V” on the OZP. The land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers and other suitable commercial/community uses in support of the village may be permitted on application to the Board. Although private car park is not entirely in line with the planning intention of the “V” zone, it could serve the local villages/residents for meeting their car parking need of the area. DLO/N, LandsD has no objection to the application and advised that there is no Small House application received for the Site. Approval of the application on a temporary basis for a period of 3 years would not jeopardize the long term planning intention of the “V” zone.

11.2 The Site is located in Tze Tong Tsuen and accessible from Sha Tau Kok Road – Lung Yeuk Tau via a local track (**Plans A-1** and **A-2**). The temporary private car park will provide a total of 66 and 34 parking spaces for private cars and light goods vehicles respectively. The Site is paved and fenced off. The applied use is considered not incompatible with the surrounding land uses which are predominantly village houses and temporary domestic structures. As no significant landscape impact arising from the applied use is anticipated, CTP/UD&L of PlanD has no objection to the application. C for T has no objection to the application from traffic engineering point of view. Noting that there will not involve parking of heavy vehicle and container truck, DEP has no objection to the application, but advises that the applicants should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental impacts to the nearby residents should the application be approved by the Board. Other government departments consulted, including CE/MN of DSD, D of FS, CHE/NTE of HyD, and CE/C of WSD have no adverse comment on or no objection to the application.

- 11.3 There are two similar applications for a temporary public car park in the vicinity of the Site within the “V” zone (**Plan A-1**). Applications No. A/NE-LYT/710 and 755 covering the same site for a temporary public car park were approved with conditions by the Committee in September 2019 and April 2022 respectively mainly on the grounds that the vehicle park serves the local residents; not incompatible with the surrounding land uses; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas. The planning circumstances of the current application are similar to the recent approved applications.
- 11.4 Regarding the adverse public comments as detailed in paragraph 10 above, the government departments’ comments 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 above, Planning Department considers that the applied use could be tolerated for a temporary period of 3 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 3 years until 6.5.2025. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the existing boundary fencing on the Site should be maintained at all times during the planning approval period;
- (b) the submission of 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 6.11.2022;
- (c) in relation to (b) 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 6.2.2023;
- (d) the submission of proposals for water supplies for fire-fighting and fire service installations 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 6.11.2022;
- (e) in relation to (d) above, the provision of water supplies for fire-fighting and fire service installations 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 6.2.2023;
- (f) if any of the above planning condition (a) 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

- (g) if the above planning conditions (b), (c), (d) or (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.

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 "Village Type Development" zone in the Lung Yeuk Tau and Kwan Tei South area which is to designate both existing recognized villages and areas of land considered suitable for village expansion and land within this zone is primarily intended 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.
- 13.3 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

Appendix I	Application Form with attachments received on 31.1.2022
Appendix Ia	Supplementary Information received on 9.2.2022
Appendix II	Similar s.16 Applications within the "V" zone in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos