

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/813

- Applicants** : Messrs. DUNG Ka Wo, TANG Fook Hing, TANG Chi Kit (Manager of TANG Kam Tso) represented by Mr PANG Hing Yeun
- Site** : Taxlord Lot 1766 RP (Part) in D.D. 83, Tze Tong Tsuen, Lung Yeuk Tau, Fanling, New Territories
- Site Area** : 3,154.72m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed 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 for a temporary private vehicle park (private car and light goods vehicle only) for a period of 3 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, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is currently paved and vacant.
- 1.2 According to the applicants, the temporary private vehicle park is to serve local residents in the villages only. There are 66 parking spaces (5m x 2.5m each) for private cars and 34 parking spaces for light goods vehicles in the southern and northern portion of the Site respectively (**Drawing A-1**). One single-storey structure is provided as guard room with a total floor area of about 14.88m² in the western portion of the Site. The ingress/egress point is about 10 m wide for two-lane traffic. 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 private vehicle park are 24 hours daily.
- 1.3 The Site is the subject of a previous application No. A/NE-LYT/760 submitted by

the same applicants for the same use which was approved by the Rural and New Town Planning Committee (the Committee) on 6.5.2022. Details of the previous application is set out in paragraph 5.2 below. Compared with the previously approved application, the development parameters and layout of the proposed temporary private vehicle park are the same as the current one.

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

- (a) Application Form with attachments received on 2.11.2023 (**Appendix I**)
- (b) Further Information (FI) received on 12.12.2023[^] (**Appendix Ia**)
- (c) FI received on 15.1.2024[^] (**Appendix Ib**)

[^] *accepted and exempted from the publication and recounting requirements*

1.5 On 22.12.2023, the Committee agreed to the applicants' request to defer making a decision on the application for one month.

2. Justifications from the Applicants

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

- (a) there are insufficient parking spaces in Lung Yeuk Tau Village cluster;
- (b) the Site is the subject of the previously approved application No. A/NE-LYT/760 for the same use but has been revoked due to non-compliance with the approval condition by the specified time. A proposed stormwater drainage plan (**Drawing A-2**) has been included in support of the current application;
- (c) the carparking provision could also 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;
- (d) 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
- (e) 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” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

- 5.1 The Site is the subject of a previous temporary application No. A/NE-LYT/760 (**Plan A-1**) submitted by the same applicants as the current application for the same use. The application was approved by the Committee on 6.5.2022 mainly on considerations that the applied use was to serve local residents; not incompatible with the surrounding land uses; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas. However, the application was revoked due to non-compliance with the approval condition in relation to drainage proposal.
- 5.2 Details of the application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-LYT/710 and 755) for temporary public vehicle park involving the same site providing a total of 43 parking spaces within the “V” zone in the vicinity of the Site over the past five years (**Plan A-1**). These applications were approved with conditions by the Committee on 20.9.2019 and 1.4.2022 respectively mainly on similar considerations as stated in paragraph 5.2 above.
- 6.2 Details of the applications are summarized at **Appendix III** 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, fenced off and vacant;
 - (b) located in Tsz Tong Tsuen; 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 Lung Yeuk Tau Tang Chung Ling Ancestral Hall.

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 at **Appendices IV** and **V** respectively.

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

On 10.11.2023, the application was published for public inspection. During the first three weeks of statutory public inspection period, two public comments were received. The North District Councilor indicates no comment on the application. The remaining comment from an individual objects to the application mainly on the ground of drainage concerns.

11. Planning Considerations and Assessments

11.1 The application is for a proposed 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 proposed temporary 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. District Lands Officer/North, LandsD has advised that there is no Small House application received for the Site. The proposed use is temporary in nature which would not adversely affect the land availability for NTEH within the “V” zone in the long term. In this regard, approval of the application on a temporary basis for a period of 3 years would not frustrate 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 vehicle park will provide a total of 66 and 34 parking spaces for private cars and light goods vehicles respectively. The proposed use is considered not incompatible with the surrounding land uses, which are predominantly village houses and temporary domestic structures. Having reviewed the FI, Commissioner for Transport has no comment on the application from traffic engineering point of view. Noting that there will not involve parking of heavy vehicles and container trucks, Director of Environmental Protection 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 Chief Engineer/Mainland North of Drainage Services Department

(CE/MN of DSD), Director of Fire Services, Chief Highway Engineer/New Territories East of Highways Department, Chief Engineer/Construction of Water Services Department and etc. have no adverse comment on or no objection to the application.

- 11.3 The Site is the subject of the previous application No. A/NE-LYT/760 submitted by the same applicants for the same use approved by the Committee mainly on considerations that the applied use was to serve local residents; not incompatible with the surrounding land uses; and no significant adverse traffic, drainage and landscape impacts on the surrounding areas. The application was revoked due to non-compliance with the approval condition in relation to the drainage proposal. The applicants have submitted a proposed stormwater drainage plan (**Drawing A-2**) in support of the current application and CE/MN of DSD has no objection to the application. Should the Committee decide to approve the application, the applicants will be advised that should it fail to comply with any of the approval conditions again resulting into the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.4 There are also two similar applications for a temporary public car park in the vicinity of the Site within the “V” zone (**Plan A-1**) approved on the similar considerations as application No. A/NE-LYT/760 as detailed in paragraph 6.1. The planning circumstances of the current application are similar to these approved applications.
- 11.5 Regarding the adverse public comment 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, the Planning Department considers that the proposed 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 15.3.2027. The following conditions of approval and advisory clauses are 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 cars and light goods vehicles as defined in the Road Traffic Ordinance is allowed to be parked on or enter/exit the Site 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 15.9.2024;
- (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 15.12.2024;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 15.9.2024;
- (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 15.12.2024;
- (h) if any of the above planning condition (a), (b) or (e) 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 (c), (d), (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 V**.

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

the proposed 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 2.11.2023
Appendix Ia	FI received on 12.12.2023
Appendix Ib	FI received on 15.1.2024
Appendix II	Previous Application
Appendix III	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 IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Proposed Stormwater Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**