

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/203

Applicant : Mr. Tang Wai Hung (Manager of Tang Wang Ho Tso)

Site : Lot 564 in D.D. 46, Loi Tung Village, Sha Tau Kok, New Territories

Site Area : 185.5m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11

Zoning : “Village Type Development” (“V”)

Application : Temporary Private Car Park (Private Cars and Light Goods Vehicles Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary private car park (private cars and light goods vehicles 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 covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is paved and currently used for parking of vehicles without valid planning permission.
- 1.2 The Site is accessible to Sha Tau Kok Road – Wo Hang via an access road (**Plan A-1**). According to the applicant, a total of four parking spaces will be provided at the Site, including two for private cars and two for light goods vehicles. No structures or fencing would be erected. The temporary private car park will only serve the residents in Loi Tung and will not be open to the public. The operation hours are 24 hours daily including public holidays. To ensure the pedestrian’s safety, warning signs will be erected at the Site’s ingress/egress. The proposed layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (i) Application Form with attachments on 9.5.2024 (Appendix I)
 - (ii) Further Information (FI) received on 19.6.2024 and 24.6.2024* (Appendix Ia)
 - (iii) FI received on 16.8.2024* (Appendix Ib)

**accepted and exempted from the publication and recounting requirements*

- 1.4 On 5.7.2024, 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 FIs at **Appendices I to Ib**, as summarised below:

- (a) the completion of more new houses in Loi Tung as well as the insufficient parking space have led to illegal parking in the area. The applied carpark which exclusively serves the villagers can meet the increasing demand for parking spaces; and
- (b) the Site is not encroaching onto existing access road. No tree felling, land filling or excavation works would be involved. No adverse traffic, environmental and drainage impacts are anticipated.

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

The applicant is one of the “current land owners” and 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 obtaining consents of two “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application within the same “V” zone in the vicinity of the Site in the Man Uk Pin area in the past five years.

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

7.1 The Site is:

- (a) paved and currently used for parking of vehicles without valid planning permission;
- (b) located within the village proper of Loi Tung; and

(c) accessible to Sha Tau Kok Road – Wo Hang via an access road.

7.2 The surrounding areas are of rural character mainly comprising village houses, parking of vehicles and tree clusters. A pond is located to the further northeast of the Site.

8. **Planning Intention**

The planning intention of “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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 II** and **III** respectively.

9.2 The following government department conveyed local views on the application:

District Officer’s Comments

9.2.1 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

- (a) two members of the North District Council (NDC) support the application. One member of NDC supports the application on the considerations that the applied use can provide additional parking spaces and bring convenience for the public; and
- (b) the Chairman of Sha Tau Kok District Rural Committee, four members of the NDC, the Chairman of Lung Shan Area Committee, the Indigenous Inhabitant Representative of Loi Tung and the Resident Representative of Loi Tung have no comment.

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

On 17.5.2024, the application was published for public inspection. During the statutory public inspection period, one comment from a member of the NDC was received indicating no comment on the application (**Appendix IV**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private car park (private car and light goods vehicle only) for a period of three years at the Site zoned “V” on the OZP. While the applied use is not entirely in line with the planning intention of the “V” zone, where land is primarily intended for development of Small Houses by indigenous villagers, the applicant advises that it could serve the local villagers for meeting their car parking need. Also, the District Lands Officer/North, LandsD advises that there is no Small House application in respect of the Site. In view of the above, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is located within the village proper of Loi Tung. The surrounding areas are of rural character mainly comprising village houses, parking of vehicles and tree clusters. Considering its nature and small-scale, the applied private car park is considered not incompatible with the surrounding area.
- 11.3 Having considered the applicant’s submission, the Commissioner for Transport has no comment on the application from traffic engineering perspective, and advises to impose an approval condition on the implementation of the proposed traffic management measures as stated in paragraph 12.2 below. Other government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Highway Engineer/New Territories East of Highways Department have no objection to or no adverse comment on the application.
- 11.4 There is no adverse public comment received on the application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account local comments conveyed by DO(N), HAD and the public comment mentioned in paragraphs 9.2.1 and 10 above respectively, the Planning Department considers that the applied use could be tolerated for a period of three 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 three years until 4.10.2027. The following conditions of approval and advisory clauses are 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 4.4.2025;
- (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 4.7.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (d) 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 4.4.2025;
- (e) in relation to (d) 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 4.7.2025;
- (f) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 4.7.2025;
- (g) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 III**.

- 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 "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 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 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 9.5.2024
Appendix Ia	FI received on 19.6.2024 and 24.6.2024
Appendix Ib	FI received on 16.8.2024

Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**