

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/156

<u>Applicants</u>	Mr. HAU Sik Cheong, HAU Sik Ming, HAU Chi Wing and HAU Ping Kwan represented by Mr. PANG Hing Yeun
<u>Site</u>	Taxlord Lot 2333 RP(Part) and Taxlord Lot 2335 (Part), D.D. 91, Ping Kong, Sheung Shui, New Territories
<u>Site Area</u>	About 2,217.97 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural purpose)
<u>Plan</u>	Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	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 three years at the application site (the Site) (**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) 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 The Site is situated at the western fringe of Ping Kong Village and is accessible via Ping Kong Road. The car park will provide a total of 75 parking spaces (5m x 2.5m each), of which 50 for private cars and 25 for light goods vehicles. A shelter of 187.5 m² with a height of about 2m will be erected for 15 parking spaces (**Drawings A-1 to A-3**). According to the applicants’ submission, the car park operates 24 hours daily and serves the villagers and residents of Ping Kong Village. No hourly parking will be provided.

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

- (a) an application form with attachments received on (**Appendix I**) 2.9.2021
- (b) Further Information (FI) received on 8.10.2021 (**Appendix Ia**)
(*accepted and exempted from the publication and recounting requirements*)

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Part 7 of the application form and the FI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) the Site is located in Ping Kong Village where there are not sufficient car parking spaces to meet the increasing demand of the villagers and residents;
- (b) as there is no public car park in Ping Kong Village, all residents and villagers have to park their cars in the temporary private car parks in the village;
- (c) the temporary private car park will only allow parking of private cars and light goods vehicles (not more than 3.3 tonnes);
- (d) the proposed vehicular ingress and egress are connected to Ping Kong Road and the width of the driveway in the car park is more than 5m, which is enough for emergency vehicles. The access road to the Site is wide enough for two-way traffic and passing places without obstructing other traffic;
- (e) the village representative and villagers have raised concerns on illegal parking along the nearby roads at night which may lead to traffic accidents, therefore more car parking spaces should be provided;
- (f) the proposed covered area is 187.5 m² in area and 2m in height to provide shelter for parking spaces;
- (g) the applied use would not involve excavation/filling of land and felling of tree and hence would not generate adverse environmental impact;
- (h) the car park operates 24 hours daily from Mondays to Sundays and the daily vehicular trips to/from the Site will be about 30 to 35. No traffic impact to Ping Kong Road is generated from the applied use; and
- (i) as no hourly parking will be provided, there will be no queuing of cars outside the Site. Signs will be set up to ensure no car queuing and reversing from the Site to Ping Kong Road.

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 the subject of an active enforcement case against unauthorised development involving parking of vehicles (No. E/NE-PK/37) (**Plan A-2**). An Enforcement Notice was issued to the land owners on 18.8.2021 requiring discontinuation of the unauthorised development by 18.11.2021. If the Notice is not complied with, prosecution action may be undertaken.

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

6.1 There are three similar applications (No. A/NE-PK/81, 136 and 141) involving the same site for car park use within the “V” zone, which were approved with conditions each for a period of 3 years by the Rural and New Town Planning Committee (the Committee) on 24.6.2016, 4.10.2019 and 8.1.2021 respectively mainly on the considerations that the applied uses would not frustrate the long term planning intention of “V” zone, and would unlikely cause adverse impacts on the surrounding areas.

6.2 Details of the applications are shown in **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

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

7.1 The Site is:

- (a) situated at the western fringe of Ping Kong Village;
- (b) comprising two parts to the east and west of Ping Kong Road;
- (c) paved for parking of vehicles without valid planning permission; and
- (d) accessible from Ping Kong Road.

7.2 The surrounding areas are mainly rural in landscape character dominated by village houses, a temporary car park, temporary structures for domestic uses and vacant land.

8. Planning Intention

The planning intention of the “V” zone in the Ping Kong 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.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots which are Old Schedule lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicants should make their own arrangement for acquiring access to the Site, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
- (b) no Small House application has been received for the Site and she has no comment on the subject application from Small House Policy perspective; and
- (c) if the planning application is approved, the owner(s) of the concerned lots shall apply to this office for a Short Term Waiver (“STW”) covering all the actual occupation area and structures concerned. The application for STW will be considered by Government in its landlord’s capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by this office.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- no comment on the application.

9.1.3 Comments of the Commissioner for Police (C for P):

- the illegal parking in the vicinity of Ping Kong Road is moderate while Po Kin Road to the further north is considered as one of the traffic blackspots in Sheung Shui Division.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application;
- (b) the applicants are advised to follow the latest “Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses” issued by DEP to minimise any potential environmental nuisance; and
- (c) no environmental complaint related to the Site was received in the past three years.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- the Site falls within a non-landscape sensitive zone and no significant landscape impact arising from the applied use is identified.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no comment on the application from drainage/sewerage operation and maintenance point of viewpoint;
- (b) the applicants are reminded that the Site is in an area where no DSD stormwater drain is available; and
- (c) should the application be approved, a condition should be included to require the applicant to submit and implement a drainage proposal for the Site to ensure that the applied use will not cause adverse drainage impact to the adjacent area.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application;

- (b) should the application be approved, the applicants should submit relevant layout plans incorporated with details of the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) if there is any structure(s) requiring to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

9.1.8 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- the Chairman of Fung Shui Area Committee and the Ping Kong Residents Welfare Association have no comment on the application. The Indigenous Inhabitant Representative (IIR) of Ping Kong, the Resident Representative of Ping Kong and a villager object to the application mainly for concerns on adverse impacts that may be caused by the applied use on noise, air quality, traffic, pedestrian safety and fire safety. The Chairman of Sheung Shui District Rural Committee objects to the proposal in view of the objections from the IIR and villagers of Ping Kong.

9.2 The following government departments have no objection to nor adverse comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD).

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

On 10.9.2021, the application was published for public inspection. During the statutory public inspection period, a total of 14 public comments from individuals were received. Among them, one indicates no comment on the application. 11 comments including nine in standard letter object to the application mainly on concerns on perpetuation of unauthorized car park operation and possible impacts on pedestrian safety, traffic, air quality, noise, fire safety and public health arising from the applied use. The remaining two comments mainly raise concern on inefficient use of land within “V” zone for car parking uses, and possible traffic, drainage and environmental impacts of the applied use.

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 planning intention of “V” zone is mainly 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. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could serve the local villagers/residents for meeting their car parking needs. Besides, as advised by DLO/N, LandsD, no Small House application has been received for the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the area.
- 11.2 The Site is located at the western fringe of Ping Kong Village and accessible via Ping Kong Road (**Plans A-1 and A-2**). It has been paved for car park use. The applied use is considered not incompatible with the surrounding rural environment dominated by village houses, a temporary car park, temporary structures for domestic uses and vacant land. CE/MN,DSD and D of FS advise respectively that drainage facilities and FSI proposals should be provided by the applicants to ensure no adverse drainage impacts and fire hazard would be caused by the applied use. Other departments consulted including C for T, DEP, CTP/UD&L of PlanD, CE/C of WSD and CHE/NTE of HyD have no objection to nor adverse comment on the application.
- 11.3 There are three similar applications (No. A/NE-PK/81, 136 and 141) involving the same site for car park use within the “V” zone, which were approved with conditions each for a period of 3 years by the Committee on 24.6.2016, 4.10.2019 and 8.1.2021 respectively mainly on the considerations that the applied uses would not frustrate the long term planning intention of “V” zone, and would unlikely cause adverse impacts on the surrounding areas. The planning circumstances of the above cases are applicable to the current application.
- 11.4 Regarding the local objections to the application conveyed by DO(N), HAD in paragraph 9.1.8 above and the public comments as summarized in paragraph 10 above, government department’s 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 and local views mentioned in paragraphs 10 and 9.1.8, 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 29.10.2024. The following conditions of approval and advisory clauses are also 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 or enter/exit the Site at any time during the planning approval period;
- (b) only private car and light goods vehicle not exceeding 3.3 tonnes, as proposed by the applicants, is allowed to be parked/stored on or enter/exit the Site at any time 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 **29.4.2022**;
- (d) in relation to (c) 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 **29.7.2022**;
- (e) the submission of proposals for fire service installations and water supplies for fire-fighting 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 **29.4.2022**;
- (f) in relation to (e) above, the implementation of proposals for fire service installations and water supplies for fire-fighting 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 **29.7.2022**;
- (g) if any of the above planning conditions (a) or (b) 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 conditions (c), (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 attached 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 development is not in line with the planning intention of the "Village Type Development" zone in the Ping Kong area which 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. There is no strong planning justification in the submission for 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) 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 and attachments dated 2.9.2021
Appendix Ia	FI submitted by the applicants received on 8.10.2021
Appendix II	Similar applications
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Location plan submitted by the applicants
Drawing A-2	Site layout plan submitted by the applicants
Drawing A-3	Existing access 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