

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/184

Applicant : Ms. POON, Mo Kuen Joe represented by Mr. PANG Hing Yeun

Site : Various lots in D.D. 91, Kai Leng, Sheung Shui, New Territories

Site Area : About 1,654.22 m²

Land Status : Block Government Lease (demised for agricultural use)

Plan : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11

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

Application : Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary private car park (private cars and light goods vehicles) for a period of three years at the application site (the Site). The Site falls within an area zoned “V” on the approved Ping Kong OZP No. S/NE-PK/11 (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is situated at the southeastern fringe of Kai Leng Village and is accessible via a local track leading to Wai Hon Road. The applied use comprises a total of 60 parking spaces (5m x 2.5m each), of which 50 for private cars and 10 for light goods vehicles (not more than 3.3 tonnes). According to the applicant’s submission, the car park operates 24 hours daily and serves the residents of Kai Leng Village only. No structures will be erected within the Site. The proposed site layout and access plans submitted by the applicant are at **Drawings A-1 to A-3**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 28.3.2023. (Appendix I)
- (b) Further Information (FI) received on 3.5.2023 (Appendix Ia)

(exempted from publication and recounting requirements)

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 summarized below:

- (i) the Site is located in Kai Leng Village. Although a government car park is located in the north of the village, residents of nearby residential developments would also use the same car park leading to insufficient parking spaces for Kai Leng Village. Illegal parking is observed near Wai Hon Road and Yu Tai Road causing traffic congestion and pedestrian safety concerns;
- (ii) the Site is accessible via an existing local track leading to Wai Hon Road then Yu Tai Road, and the existing local track has been used by villagers and residents of Kai Leng Village for years. The Site will not be fenced off and the applied use would serve residents of Kai Leng Village only. The residents representative and indigenous inhabitants representatives (IIR) of Kai Leng Village have lent support to the application;
- (iii) the daily vehicular trips to/from the Site are about 15 to 20 and adequate manoeuvring space is provided within the Site. It is anticipated that no traffic impact would be incurred on the existing road network. Also, the applied use would not involve felling of trees and filling or excavation of land. Hence, it would not generate adverse environmental and landscape impacts; and
- (iv) some Small House grant applications, which are still being processed by the Lands Department (LandsD), falls within the Site. The applied use can make use of these vacant land to serve the residents of Kai Leng Village. The applied use will cease operation once these Small House grant applications are executed. Consents of relevant landowners for the applied use have been obtained.

3. 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.31A) by obtaining owners’ consents. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

- 5.1 There is no previous application at the Site.
- 5.2 Application No. A/NE-PK/180 for proposed Small House development straddling the same “V” zone and the “Agriculture” zone partly overlapped with the Site (about 16m²). This application will be considered at the same meeting.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-PK/173 and 174) for temporary private car park (private cars and light goods vehicles) providing 20 and 13 parking spaces respectively and falling within/partly within the same “V” zone in the vicinity of the Site.
- 6.2 The similar applications were approved by the Committee on 13.1.2023, mainly on consideration that the temporary applications would not frustrate the long term planning intention(s); the applications were not incompatible with the surrounding areas; and no significant adverse impact arising from the applied use was anticipated.
- 6.3 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

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

- 7.1 The Site is:
- (a) located at the southeastern fringe of Kai Leng Village;
 - (b) partly paved and partly covered with self-seeded vegetation; and
 - (c) accessible via a local track leading to Wai Hon Road.
- 7.2 The Site is located in an area of predominantly rural characters comprising village houses, tree clusters, vegetated areas and farmlands.

8. Planning Intention

The planning intention of the “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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraph 8.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisor clauses are provided at **Appendices III** and **IV** respectively:

9.2 The following government department has conveyed local views on the application.

District Officer's Comments

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

the IIR and Resident Representative of Kai Leng Village support the application, and the Chairman of Sheung Shui District Rural Committee has no comment.

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

10.1 The application was published for public inspection. During the statutory public inspection period, a total of 108 comments were received, including one comments enclosing with 173 signatures. Among them, 75 are supporting comments and 33 are objecting comments or comments providing adverse views. Extracts of the public comments are at **Appendix V**. A full set of the public comments is deposited at the Board's Secretariat for Members' inspection and reference.

10.2 The 75 supporting comments are submitted by two Legislative Council Members, two North District Council members, IIR and resident representatives of Kai Leng Village and nearby villages, Chairman and Vice-chairmen of Sheung Shui Rural Committee, residents and individuals. Their supporting views are summarized as follows:

(a) there are insufficient car parking spaces in the existing government car park to meet the parking demand of local residents and villagers; and

(b) approval of the application could resolve illegal parking problem and improve existing traffic condition.

10.3 The 33 objecting comments or comments providing adverse views are submitted by individuals and their objecting grounds/views are summarized as follows:

(a) the applied use is not in line with planning intention of "V" zone;

(b) there is an existing government car park with adequate parking spaces in Kai Leng Village. The applied use is for commercial operation and there are no strong justifications to approve the application. The Site should be

retained as an amenity area for improving the surrounding environment or agricultural land;

- (c) the applied use would aggravate traffic congestion problem and cause adverse noise, drainage, fire safety and environmental impacts as well as security concerns;
- (d) the local track leading to the Site serves local villagers and residents and is for emergency use. However, it is not a standard road with proper street light. Additional vehicular traffic arising from the applied use would pose safety concerns to pedestrian and road users, particularly in night time; and
- (e) the Site is a “destroy first, build later” case and was subject to enforcement action against unauthorized development. Approval of the application would set an undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private car park (private cars and light goods vehicles) for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” is primarily intended for development of Small Houses by indigenous villagers. According to the applicant’s submission, the applied use is to serve residents of Kai Leng Village only. Although the applied use is not in line with the planning intention of “V” zone, it could serve the locals for meeting their car parking needs. According to District Lands Officer/North of LandsD, there are two Small House grant applications which are still under processing within the Site. The applicant has obtained consents of relevant landowners for the applied use and committed to cease operation of the applied use once the Small House grant applications are executed. In view of the above, it is considered that approval of the application on a temporary basis would not frustrate the long term planning intention of the “V” zone and affect the implementation of Small House developments.
- 11.2 The Site is located at the southeastern fringe of Kai Leng Village and accessible via a local track leading to Wai Hon Road. It is surrounded by existing village houses and vacant land with planning approvals for Small House developments (**Plans A-3 and A-4**). The applied use is not incompatible with the surrounding areas which are predominated by village houses, farmland and vacant land. Commissioner for Transport considers that the application is tolerable from traffic engineering point of view and advises that the local track is not managed by his department. Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to the application and recommend to impose approval conditions requiring the submission and implementation of drainage proposal and proposal for water supplies for fire-fighting and fire service installations. Other relevant departments have no objection to or adverse comment on the application.
- 11.3 There are two similar applications within/partly within the same “V” zone in the vicinity of the Site which were approved by the Committee on 13.1.2023 mainly

on consideration as set out in paragraph 6.2. The planning circumstances of the approved similar applications are largely applicable to the current application.

- 11.4 Regarding the objecting public comments as detailed in paragraph 10 above, comments of government departments including C for T advises that the local tracking leading to the Site is not managed by his department 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 applied use could be tolerated for a 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 19.5.2026. 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 the Site at any time during the planning approval period;
- (b) only private cars and light goods vehicles not exceeding 3.3 tonnes, as proposed by the applicant, are 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 19.11.2023;
- (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 19.2.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a proposal 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 19.11.2023;
- (g) in relation to (f) 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 19.2.2024;

- (h) if any of the above planning conditions (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 conditions (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 attached at **Appendix IV**.

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

- the development is not in line with the planning intention of the "Village Type Development" zone 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 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 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 applicant.

14. Attachments

Appendix I	Application Form with attachments received on 28.3.2023
Appendix Ia	FI received on 3.5.2023
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments

Drawing A-1	Layout plan submitted by the applicant
Drawing A-2	Access plan submitted by the applicant
Drawing A-3	Entrance and exit route 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
MAY 2023