

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-PK/192**

- Applicants** : Messrs. HAU Sik Cheong, HAU Sik Ming, HAU Chi Wing and HAU Ping Kwan represented by Mr. PANG Hing Yeun
- Site** : Taxlord Lot 2333 RP (Part) and Taxlord Lot 2335 (Part), D.D. 91, Ping Kong, Sheung Shui, New Territories
- Site Area** : About 2,131.9m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural purpose)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Private Car Park (Private Car and Light Goods Vehicle only) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for a temporary private car park (private car and light goods vehicle only) for a period of three years at the application site (the Site) zoned “V” on the OZP (**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 western fringe of Ping Kong Village and is accessible via Ping Kong Road. The development comprises a total of 72 parking spaces (5m(L) x 2.5m(W) each), of which 47 are for private cars and 25 for light goods vehicles (not more than 3.3 tonnes). A shelter of about 187.5m<sup>2</sup> with a height of about 2.5m will be erected for 15 parking spaces. The layout plan and vehicular access plan submitted by the applicants are shown in **Drawings A-1 and A-2**.

- 1.3 The Site is the subject of a previous application (No. A/NE-PK/156) submitted by the same applicants for the same use for a period of three years which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 29.10.2021 but was revoked on 29.7.2023 due to non-compliance of approval conditions in relation to the implementation of drainage facilities and fire service installations and water supplies for fire-fighting proposal. Compared with the previous application, the major development parameters are largely the same except that the site area has been reduced from 2,217.97m<sup>2</sup> to 2,131.9m<sup>2</sup> and the number of private cars reduced from 50 to 47. Details of the application are set out in paragraph 5.
- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 16.10.2023
  - (b) Further Information (FI) received on 4.12.2023<sup>^</sup> **(Appendix Ia)**  
*<sup>^</sup>accepted and exempted from 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 FI at **Appendices I** and **Ia**, as summarized below:

- (a) there is insufficient car parking spaces in Ping Kong Village. The subject car park is to meet the increasing demand of the local villagers and residents nearby;
- (b) 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 on Ping Kong Road is generated from the applied use;
- (c) the applied use would not involve excavation/filling of land and felling of trees and hence would not generate adverse environmental impact; and
- (d) the Site is the subject of a previously approved application (No. A/NE-PK/156) but was revoked due to non-compliance of approval condition regarding the provision of drainage facilities. The provision of drainage facilities has been postponed since it is required to tie in with the implementation schedule of the nearby drainage works undertaken by Drainage Services Department (DSD). If the application is approved, the applicants will undertake the implementation of the drainage facilities and fire service installations and water supplies for fire-fighting proposals.

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 not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion of unauthorized development under the Town Planning Ordinance, planning enforcement action would be instigated as appropriate.

5. **Previous Application**

The Site is the subject of a previous application (No. A/NE-PK/156) submitted by the same applicants for same use for a period of three years, which was approved with conditions by the Committee on 29.10.2021 mainly on 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 permission was revoked on 29.7.2023 due to non-compliance with approval conditions in relation of the implementation of drainage facilities and fire service installations and water supplies for fire-fighting proposals. Details of the previous application are summarized at **Appendix II**.

6. **Similar Applications**

6.1 There are four similar applications (No. A/NE-PK/81<sup>1</sup>, 136<sup>1</sup>, 141<sup>1</sup> and 191) for temporary private car park use within the “V” zone, which were approved with conditions each for a period of three years by the Committee between 2016 and 2023 mainly on similar considerations as set out in paragraph 5 above.

6.2 Details of the applications are shown in **Appendix III** 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) paved for parking of vehicles without valid planning permission; and
- (c) accessible via Ping Kong Road.

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<sup>1</sup> Application Nos. A/NE-PK/81, 136 and 141 are covering in the same site.

- 7.2 The surrounding areas are mainly rural in character dominated by village houses, car park/parking of vehicles, and active farmland.

**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**

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

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

The application was published for public inspection. During the statutory public inspection period, three public comments from individuals were received. While one indicates no comment on the application, the remaining two object to the application mainly for reasons that there will be possible adverse impacts on pedestrian safety, traffic, fire safety and drainage impact arising from the applied use; and the previous application was revoked due to non-compliance of approval conditions.

**11. Planning Considerations and Assessment**

- 11.1 The application is for a 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. The planning intention of “V” 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 District Lands Office/North of Lands Department, 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 “V” zone.
- 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, car park/parking of vehicles, and active farmland. Relevant departments including Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, the

Commissioner for Transport and Director of Environmental Protection have no objection to nor adverse comment on the application.

- 11.3 The Site is the subject of a previous application (No. A/NE-PK/156), submitted by the same applicants for same use, which was approved with conditions by the Committee on 29.10.2021 but was revoked on 29.7.2023 due to non-compliance with the approval conditions in relation of implementation of drainage facilities and fire service installations and water supplies for fire-fighting proposal. According to the applicants' submission, they will undertake the implementation of the above-said facilities if the application is approved. Should the Committee decide to approve the application, the applicants will be advised in the advisory clauses (**Appendix V**) that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 11.4 There are four similar applications (No. A/NE-PK/81<sup>1</sup>, 136<sup>1</sup>, 141<sup>1</sup> and 191) for car park use within the "V" zone, which were approved with conditions each for a period of three years by the Committee between 2016 and 2023 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.
- 11.5 Regarding the public comments as summarized in paragraph 10 above, government department's comments and the planning assessment above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, 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 8.12.2026. 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 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 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 **8.6.2024**;
- (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 **8.9.2024**;
- (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 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 **8.6.2024**;
- (g) in relation to (f) 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 **8.9.2024**;
- (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 attached 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 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 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**

<b>Appendix I</b>	Application form and attachments dated 16.10.2023
<b>Appendix Ia</b>	Further Information received on 4.12.2023
<b>Appendix II</b>	Previous application
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government department's general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Vehicular access plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
DECEMBER 2023**