

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

**APPLICATION NO. A/NE-PK/198**

- 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 1,654.22m<sup>2</sup>
- Lease** : 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 Three 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) 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 or development 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 permission.
- 1.2 The Site is situated at the south-eastern fringe of Kai Leng Village and is accessible via a local track leading to Wai Hon Road (**Plan A-2**). The applied use comprises a total of 60 parking spaces (5m (L) x 2.5m (W) each), of which 50 are for private cars and 10 are for light goods vehicles not exceeding 3.3 tonnes (**Drawing A-1**). According to the applicant, the car park operates 24 hours daily and serves the residents of Kai Leng Village only. No structures are erected within the Site. The proposed site layout plan, vehicular access plan, drainage and fire service installations (FSIs) plans submitted by the applicant are shown in **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of a previously approved application (No. A/NE-PK/184) submitted by the same applicant 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) of the Board on 19.5.2023. However, the planning permission was revoked on 19.2.2024 due to the non-compliance with the approval conditions in relation to submission of the drainage and FSIs

proposals. Compared with the approved application No. A/NE-PK/184, there is no change in major development parameters and site layout under the current application. Details of the previous application are set out in paragraph 5 below.

- 1.4 In support of the application, the applicant has submitted the Application Form with attachments received on 21.6.2024 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**, as summarised below:

- (i) although a public car park is available to the north of the village, residents of nearby residential developments would also use the 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 and Yu Tai Road, and the existing local track has been used by villagers and residents of Kai Leng Village for years. 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;
- (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; and
- (v) this application was a subject of a previously approved application (A/NE-PK/184), and the planning permission was revoked since the applicant overlooked the deadline for complying with the approval conditions in relation to the submission of drainage and FSIs proposals. The applicant has prepared the relevant proposals (**Drawings A-3 and A-4**) for this submission.

## **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.31B) 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 Applications**

- 5.1 The Site is the subject of a previously approved application (No. A/NE-PK/184) approved with conditions by the Committee on 19.5.2023 mainly on considerations that it would not frustrate the long-term planning intention of the "V" zone and affect the implementation of Small House developments; it was not incompatible with the surrounding areas; and no significant adverse impact arising from the applied use was anticipated. The planning permission granted under the previous application was revoked on 19.2.2024 due to non-compliance with approval conditions relating to the submission of the drainage and FSIs proposals.
- 5.2 Another application No. A/NE-PK/180 for proposed Small House development straddling the same "V" zone and the adjoining "Agriculture" ("AGR") zone partly overlaps with the Site (about 16m<sup>2</sup>) (**Plan A-2**). The application was approved by the Committee on 19.5.2023. Considerations of this application are not relevant to the current application which involves a different use.
- 5.3 Details of the previous applications are at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

#### **6. Similar Applications**

- 6.1 There are two similar applications (No. A/NE-PK/173 and 174) for temporary private car parks (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 over the past five years. Both applications were approved by the Committee on 13.1.2023 mainly on considerations as mentioned in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix III** 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) paved and currently used for the applied use without valid planning permission; 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, vacant land, vegetated areas and farmland.

## 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 department as set out in paragraph 9.2 below, other 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.

9.2 The following government department supports the application:

### Traffic

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

- (a) she supports the application from traffic engineering point of view;
- (b) the applicant should be reminded to provide pedestrian facilities to ensure pedestrian safety; and
- (c) the vehicular access between the Site and Wai Hon Road is not managed by her department.

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

10.1 The application was published for public inspection. During the statutory public inspection period, 28 comments were received. Among them, 25 are supporting comments (**Appendix VIa**), two raise objection or provide comments (**Appendix VIb**), and one indicates no comment on the application (**Appendix VIc**).

10.2 The 25 supporting comments are submitted by two Legislative Council Members, two North District Council members, 1<sup>st</sup> Vice-chairman and Vice-chairman of Sheung Shui Rural Committee, Kai Leng Village Committee, IIRs / Resident Representative of Kai Leng and Kam Tsin Villages, residents and individuals. Their supporting views are summarised as follows:

- (a) there are insufficient car parking spaces in the existing public car park to meet the parking demand of local residents and villagers;
  - (b) it is observed that illegal parking issue was improved after approving the previously approved application No. A/NE-PK/198; and
  - (c) approval of the application could resolve illegal parking problem and improve existing traffic condition.
- 10.3 The two comments raising objection or providing comments are submitted by individuals and their views are summarised as follows:
- (a) the applied use should avoid potential adverse impact including lighting pollution on nearby residents and may cause flooding issues and road safety issue;
  - (b) the non-compliance with relevant approval conditions of the previous application should be taken into account when considering the current application; and
  - (c) the approval of car park use might affect Small House applications within the “V” zone.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for a temporary private car park (private cars and light goods vehicles) for a period of three years at the Site zoned “V” on the OZP. According to the applicant, 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. C for T supports the application from traffic engineering point of view. The applicant has obtained consent from 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 south-eastern 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, vegetated areas and farmland.
- 11.3 Other relevant departments consulted including Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or adverse comment on the application from drainage, environmental and fire safety perspectives respectively.

- 11.4 The Site is the subject of a previously approved application (No. A/NE-PK/184) (**Plan A-2**) submitted by the same applicant for the same use as detailed in paragraph 5.1 above. The application was revoked due to non-compliance with approval conditions relating to the submission of drainage and FSI proposals. The applicant has submitted drainage and FSI proposals (**Drawings A-3 and A-4**) in support of the current application. In this regard, CE/MN, DSD and D of FS have no objection on the application. Taking into account the above and there is no significant change in planning circumstances, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that if there is further non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There are two similar applications within/partly within the same “V” zone in the vicinity of the Site which were approved by the Committee in 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. Approving the current application is in line with the previous decisions of the Committee.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and the planning assessment 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 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 **16.8.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) 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 **16.5.2025**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 16.5.2025;

- (d) if the above planning condition (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
- (e) if any of the above planning condition (a) or (c) 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 are suggested for Members' reference:

The applied use is not in line with the planning intention of the "V" 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 conditions and advisory clauses 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**

<b>Appendix I</b>	Application Form with attachments received on 21.6.2024
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Vehicular access plan
<b>Drawing A-3</b>	Drainage plan

<b>Drawing A-4</b>	Fire service installations 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 photo

**PLANNING DEPARTMENT  
AUGUST 2024**