

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/141

- Applicant** : Tai Tung Tsuen Management Committee
- Site** : Lots 1497 RP (Part), 231 (Part), 235, 236 (Part), 240, 241 and 245 (Part)
in D.D. 165, Tai Tung, Shap Sz Heung, Sai Kung North, New Territories
- Site Area** : About 1,191m²
- Lease** : For Lot 1497 RP (Part)
New Grant Lot (No. TP2706)
- For the remaining lots
Block Government Lease (demised for agricultural use)
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Renewal of Planning Approval for Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of Three Years until 19.10.2024

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary private car park (private cars and light goods vehicles) for a further period of three years until 19.10.2024. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three 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 with valid planning permission until 19.10.2021.
- 1.2 According to the applicant’s submission, the applied use provides 35 parking spaces (31 for private cars and 4 for light goods vehicle) serving daily parking needs of the local residents of Tai Tung Village only. The layout of parking spaces and access points to the Site are shown on **Drawing A-1**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form with attachments received on 26.8.2021 (Appendix I)
- (b) further information received on 9.9.2021 (Appendix Ia)
(accepted and 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 part 7 of the application form at **Appendix Ia**. They can be summarized as follows:

- (a) the applicant had obtained planning approval for using the Site for temporary private car park for a period of 3 years on 19.10.2018 under Application No. A/NE-SSH/124 to cope with the parking demand in Tai Tung Village. The current application is to renew the planning approval for a further period of 3 years. There is no change to the location, layout and design compared to the previously approved application; and
- (b) the applied use will only serve the local residents of Tai Tung Village, which will be opened on a daily and 24-hour basis.

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 notifying the land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34D (TPB-PG No. 34D) on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ are relevant to this application. The relevant planning criteria are summarized in **Appendix II**.

5. **Previous Applications**

- 5.1 The Site is the subject of four previous planning applications (No. A/NE-SSH/64, 82, 101 and 124) submitted by the same applicant for the same use under the current application. The applications were approved by the Committee on 21.8.2009, 10.8.2012, 18.9.2015 and 19.10.2018 each for a period of three years mainly on the considerations that the applied use on a

temporary basis would not frustrate the long-term planning intention of “V” zone; was not incompatible with the surrounding village setting; and would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding area. The approval for the latest previous application (No. A/NE-SSH/124) is still valid until 19.10.2021, and all approval conditions have been complied with. The details of the above applications are summarized at **Appendix III** and the locations are shown on **Plans A-1** and **A-2**.

- 5.2 The current application is the same as the approved scheme under the last previous application No. A/NE-SSH/124 in terms of site area, number and layout of parking spaces and access arrangement.

6. Similar Application

There is no similar application for private car park within the same “V” zone.

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:

- (a) comprise four individual portions within the northern part of Tai Tung Village;
- (b) is mostly hard-paved and currently used as a private car park; and
- (c) accessible via local tracks leading to Sai Sha Road.

- 7.2 The surrounding areas are predominantly rural in character with a mix of village houses and tree groups. A cluster of village houses is situated to the immediate south of the Site.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised 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 the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of 7 private lots in D.D. 165. Lot No. 1497 RP is held under New Grant No. TP2706. The remaining 6 lots are held under Block Government Lease demised for agricultural purpose. No structure shall be erected on these lots without prior approval from LandsD;
- (c) the lot owner is required to submit a Short Term Waiver (STW) application to LandsD should he wish to erect structures on the Site. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to terms and conditions as may be imposed by LandsD including the payment of waiver and administrative fees as considered appropriate;
- (d) there is no guarantee of right of way to the Site or approval of the emergency vehicular access thereto; and
- (e) no application for Small House has been received in respect of the Site.

Environment

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

- (a) there was no environmental complaint in relation to the Site received in the past three years; and
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites"; and
- (c) the Site falls within the consultation zone of the Ma On Shan Water Treatment Works. Based on the applicant's submission, EPD has no objection to the application from chlorine risk perspective.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) the applicant should maintain the drainage systems for the applied car park properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (c) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and
- (d) there is no existing public sewerage in the vicinity of the Site.

Landscape

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

- (a) as the Site is not located in landscape sensitive zoning, landscape impact arising from the development is not anticipated. Should the application be approved, implementation of landscape condition is not necessary; and
- (b) the applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to LandsD for approval.

Archaeological Interest

9.1.5 Comments of Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(AM), AMO):

- (a) no objection to the application from the built heritage and archaeological conservation perspective; and
- (b) as the Site falls within Tai Tung Site of Archaeological Interest, the applicant should inform AMO immediately when any antiquities or supposed antiquities are discovered.

9.2 The following Government departments have no objection/comment on the application:

- (a) Commissioner for Transport;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police;
- (e) Director of Fire Services;
- (f) Project Manager/New Territories East, Civil Engineering and Development Department; and
- (g) District Officer/Tai Po, Home Affairs Department.

10. Public Comment Received During Statutory Publication Period (Appendix IV)

On 3.9.2021, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on grounds that the car park would cause adverse impacts on traffic, environmental and fire safety impacts to the surrounding area.

11. Planning Considerations and Assessments

- 11.1 This application is for renewal of a planning permission for temporary private car park for a further period of three years in the “V” zone of Tai Tung Village. Whilst the applied use is not totally in line with the planning intention of “V” zone where land is primarily intended for development of Small Houses by indigenous villagers, it is noted that the temporary private car park is to serve the residents of Tai Tung Village. DLO/TP, LandsD has no objection to the application and advises that there is no Small House application received for the Site. In this regard, the approval of the temporary private car park for a further three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is mostly hard-paved and the applied use is considered not incompatible with the surrounding environment which is predominantly rural in landscape with a mix of village houses and tree groups (**Plans A-2 and A-3**). CTP/UD&L, PlanD advises that landscape impact arising from the continuous use within the Site is not anticipated. According to DEP, no environmental complaint in relation to the Site has been received in the past three years. Other relevant Government departments consulted have no adverse comment on the application.
- 11.3 The Site is the subject of four previous planning applications (No. A/NE-SSH/64, 82, 101 and 124) submitted by the same applicant for the same use under the current application. The approval for the latest previous application (No. A/NE-SSH/124) is still valid until 19.10.2021, and all approval conditions have been complied with. The current scheme is the same as that under the latest application in terms of the applied use, site area, number and layout of parking spaces and access arrangement. There has been no material change in planning circumstances since the approval of the last application.

- 11.4 The application generally complies with the TPB PG-No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that there has been no material change in planning circumstances since the approval of the previous application; there are no major adverse departmental comments against the renewal application; all the approval conditions for the previous application have been complied with; and the approval period sought which is the same as the last approval granted by the Board is not unreasonable.
- 11.5 Regarding the public comment received on the application as detailed in paragraph 10 above, Government departments’ comments and the planning assessments and considerations 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 comment mentioned in paragraph 10, the Planning Department considers that the applied use could be tolerated for a further 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 and **be renewed from 20.10.2021 to 19.10.2024**. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicles other than private cars and light good vehicles are allowed to be parked within the application site;
- (b) the existing drainage facilities should be maintained properly and those facilities if found inadequate/ineffective should be rectified during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately 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 “V” zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for the 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. 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 conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 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 and Attachment received on 26.8.2021
Appendix Ia	Further Information received on 9.9.2021
Appendix II	Relevant Extract of TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
Appendix III	Previous s.16 Applications
Appendix IV	Public Comment
Appendix V	Recommended advisory clauses
Drawing A-1	Parking layout and access plan 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
OCTOBER 2021**