

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

**APPLICATION NO. A/NE-TKLN/53**

<b><u>Applicant</u></b>	:	Mr. HO Lai-fai represented by Man Chi Consultants and Construction Limited
<b><u>Site</u></b>	:	Lots 381 S.B ss1, 381 S.B ss2, 381 S.B ss3, 381 S.B ss4, 381 S.B ss5, 381 S.B ss6, 381 S.B ss7, 381 S.B ss8, 381 S.B ss9, 381 S.B ss10, 381 S.B ss11, 381 S.B ss12 and 381 S.B RP in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling North, New Territories
<b><u>Site Area</u></b>	:	About 2,529.6m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<b><u>Zonings</u></b>	:	(i) "Village Type Development" ("V") (about 74% of the Site) (ii) "Recreation" ("REC") (about 26% of the Site)
<b><u>Application</u></b>	:	Temporary 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 car park (private cars and light goods vehicles) for a period of three years at the application site (the Site) which falls largely within an area zoned "V" (about 74%) and partly within an area zoned "REC" (about 26%) on the approved Ta Kwu Ling North OZP No. S/NE-TKLN/2 (**Plan A-1**). According to the Notes of the OZP, 'Public Vehicle Park (excluding container vehicle)' is a Column 2 use in "V" and "REC" zones which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission as the previous permission lapsed on 25.4.2023 (see paragraph 5 below).
- 1.2 The development comprises one single-storey structure (not exceeding 2.44m in height) with a total floor area of about 14.64m<sup>2</sup> for ancillary site office use. A total of 54 parking spaces for private cars and 15 parking spaces for light goods vehicles (LGVs) are provided within the Site. The operation hours of the car park are 24 hours daily including public holidays. The Site is accessible via Lin Ma Hang Road from its north (**Plan A-2**). The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/NE-TKLN/33) submitted by the same applicant as the current application for the same applied use. It was approved by the Rural and New Town Planning Committee (the Committee) in 2020 (see paragraph 5 below). Compared with the previous application, the site area and development

parameters (including the number of parking spaces and layout) of the current application remain the same.

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

- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 26.4.2023 | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 5.6.2023*          | <b>(Appendix Ia)</b> |
| (c) | FI received on 6.6.2023*                                | <b>(Appendix Ib)</b> |
| (d) | FI received on 8.6.2023*                                | <b>(Appendix Ic)</b> |
- \*exempted from the publication and recounting requirements

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

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

- (a) the Site is the subject of a previously approved application for the same applied use;
- (b) the applied use intends to alleviate the pressing need for parking facilities associated with the opening of Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP) and its surrounding areas; and
- (c) temporary approval would not jeopardize the long-term planning intentions of the “V” and “REC” zones. Besides, there is a similar application approved by the Committee in close proximity of the Site (Application No. A/NE-TKLN/37) (**Plan A-1**).

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is not subject to any active enforcement case.

## **5. Previous Application**

The Site is the subject of a previous application (No. A/NE-TKLN/33) for the same applied use submitted by the same applicant as the current one. It was approved by the Committee on 24.4.2020 mainly on considerations that approval of the application would not frustrate the long-term planning intentions of the “V” and “REC” zones; and the development would not induce additional adverse traffic impact on the surrounding road network or affect pedestrian safety. All the approval conditions have been complied with and the previous planning permission lapsed on 25.4.2023. As compared with the previous application, the site area and development parameters (including the number of parking spaces and layout) under the current application remain the same. Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are three similar applications (No. A/NE-TKLN/8, 37 and 45) involving temporary staff car park and site office for public works/temporary public vehicle park (excluding container vehicle) within/partly within the “V” zone and/or the “REC” and “Agriculture” (“AGR”) zones in the vicinity of the Site over the past five years in the Ta Kwu Ling North area. Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Two applications (No. A/NE-TKLN/8 and 37) involving the same site for temporary staff car park and site office for public works falling within the “V” zone and “REC” zones are located to the immediate south of the Site. Both applications were approved by the Committee in 2018 and 2021 respectively mainly on considerations that the development was to serve the staff/workers of the LT/HYW BCP project; and the development was not entirely incompatible with the surrounding environment.
- 6.3 The remaining application (No. A/NE-TKLN/45) for temporary public vehicle park (excluding container vehicle) within the “V” and “AGR” zones was rejected by the Committee in 2022 mainly for being not in line with the planning intentions of the “V” and “AGR” zones and the applicant failed to provide sufficient information to demonstrate that the development would not induce adverse traffic impact on the surrounding areas.

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

- 7.1 The Site is:
- (a) hard-paved and fenced off;
  - (b) currently used for the applied use without valid planning permission as the previous permission lapsed on 25.4.2023; and
  - (c) accessible via Lin Ma Hang Road.
- 7.2 The surrounding areas are predominantly rural in character comprising temporary structures, an approved car park under Application No. A/NE-TKLN/37, vacant land and fallow agricultural land. LT/HYW BCP is located to the west of the Site. To the further south across the nullah is the village proper of Tsung Yuen Ha.

## **8. Planning Intentions**

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion and reprovisioning of village houses affected by government projects. 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.
- 8.2 The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active

and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

## **9. Comments from Relevant Government Departments**

- 9.1 All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.
- 9.2 Commission for Transport (C for T) supports the application from traffic engineering perspective for meeting the public demand for car parking spaces. Since the commissioning of passenger clearance of LT/HYW BCP in January 2023, the HYW public carpark and the existing private carparks near the BCP (including the car park under application) are fully utilized during weekends and public holidays. It is expected that there will be a high and increasing demand for parking spaces for both private cars and LGVs near the BCP in the future. Should the application be approved, the applicant is required to maintain the implemented traffic management measures on the Site at all times during the planning approval period.

## **10. Public Comment Received During Statutory Publication Period**

On 9.5.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a member of North District Council indicating no comment on the application (**Appendix VI**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed temporary car park (private cars and light goods vehicles) at the Site which falls largely within an area zoned “V” (about 74%) and partly within an area zoned “REC” (about 26%) on the OZP. The applied use is considered not in line with the planning intentions of the “V” and “REC” zones, which are intended for development of Small House by indigenous villagers and for low-density recreation development for the use of the general public respectively. The applicant suggests that the applied use is to serve local residents and to alleviate the pressing parking demand associated with the opening of LT/HYW BCP. C for T supports the application from traffic engineering perspective as the existing public and private carparks in LT/HYW BCP and its surrounding areas are fully utilized during weekends and public holidays since the commissioning of the BCP; and increasing demand for both private cars/ LGVs parking spaces near the BCP is expected in the future. For the portion falling within “V” zone, DLO/N of LandsD advises that no Small House application has been received for the Site. In this regard, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions of the “V” and “REC” zones.
- 11.2 The Site is hard paved and situated in an area of rural inland plains landscape character comprising temporary structures, village houses of Tsung Yuen Ha, an approved car park, vacant land and fallow agricultural land. LT/HYW BCP is located to the west of the Site. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as adverse impact on the existing landscape character and landscape resources within the Site arising from the applied use is not anticipated. Other relevant

government departments consulted, including DEP, DAFC, CE/MN of DSD, D of FS, etc, have no objection to or no adverse comment on the application.

- 11.3 The Site is involved in a previous application (Application No. A/NE-TKLN/33) for the same applied use submitted by the same applicant as the current application approved in 2020. Compared with the previous application, the site area and development parameters (including the number of parking spaces and layout) of the current application remain unchanged. There is no major change in the planning circumstances since the last approval.
- 11.4 There are three similar applications for temporary staff car park and site office for public works/public vehicle park (excluding container vehicle) for a period of three years within/partly within the “V” zone and/or “REC” and “AGR” zones as detailed in paragraph 6 above. The planning circumstances of the above three applications are different from the current application.
- 11.5 There is no adverse public comment received during the statutory public inspection period.

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

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 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 23.6.2026. 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/ light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the Site to indicate that only private cars/ light goods vehicles as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) the maintenance of existing peripheral boundary fencing on the Site at all times during the planning approval period;
- (e) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (f) the maintenance of the implemented traffic management measures on the Site at all times during the planning approval period;

- (g) the maintenance of existing vehicular run-in/run-out to the Site along Lin Ma Hang Road at all times during the planning approval period;
- (h) the implementation of the accepted proposals for 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 23.3.2024;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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
- (j) if the above planning condition (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

#### Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

12.3 There is no strong planning reason to recommend rejection of the application.

### **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**

<b>Appendix I</b>	Application Form with attachments received on 26.4.2023
<b>Appendix Ia</b>	FI received on 5.6.2023
<b>Appendix Ib</b>	FI received on 6.6.2023
<b>Appendix Ic</b>	FI received on 8.6.2023
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar S.16 Applications within/partly within the “V” and/or “REC” and “AGR” zones in the vicinity of the Site in Ta Kwu Ling North Area
<b>Appendix IV</b>	Government Department’s General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plans A-4a and A-4b** Site Photos

**PLANNING DEPARTMENT  
JUNE 2023**