

RNTPC Paper No. A/NE-TKLN/64
For Consideration by the
Rural and New Town Planning
Committee on 8.9.2023

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

APPLICATION NO. A/NE-TKLN/64

<u>Applicant</u>	:	Union World Trading Limited represented by Yeung Siu Fung
<u>Site</u>	:	Lot Nos. 158 S.A, 158 S.B, and 158 RP in D.D.80, Heung Yuen Wai, Ta Kwu Ling North, New Territories
<u>Site Area</u>	:	About 486.79m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zonings</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Proposed Public Vehicle Park (Private Cars Only)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed public vehicle park (private cars only) at the application site (the Site) which falls within an area zoned “V” 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” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently overgrown with vegetation.
- 1.2 According to the applicant, a total of 14 parking spaces for private cars will be provided on the Site. It would cater for the increasing parking demand after the commencement of Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP). A single-storey structure with a total floor area of about 10m² (not exceeding 3m in height) will be provided within the Site as an ancillary site office and guardhouse. The applicant did not provide information on the operation hour of the proposed carpark in the submission. The Site is accessible via a local track from its south to Lin Ma Hang Road (**Plan A-2**). The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following document:
 - (a) Application Form with attachments received on 11.7.2023 (**Appendix I**)

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 proposed carpark can alleviate the pressing need for parking facilities associated with the opening of LT/HYW BCP; and
- (b) with a considerable distance between the Site and the LT/HYW BCP, it is unlikely that the traffic generated by the carpark will induce adverse traffic impact on LT/HYW BCP. Individuals traveling to the Mainland via LT/HYW BCP can take taxis or minibuses after parking their cars at the Site.

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 not subject to any previous application.

6. Similar Applications

There is no similar application within the subject “V” zone on the OZP.

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

7.1 The Site is:

- (a) overgrown with vegetation; and
- (b) accessible via a local track.

7.2 The surrounding areas are predominantly rural in character comprising tree groups, vacant land and fallow agricultural land. A watercourse is located along the eastern boundary of the Site, and to the south is the village proper of Ha Heung Yuen (**Plan A-2**).

8. Planning Intention

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.

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/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via Government land (GL) is granted to the Site; and
- (b) there is no Small House application in respect of the application lots has been received.

Traffic

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

- (a) the applicant should provide the following information/assessment for his consideration:
 - (i) to advise and substantiate the traffic generation and attraction from and to the site and the traffic impact to the nearby road links and junctions;
 - (ii) to demonstrate the satisfactory maneuvering of the vehicles entering and exiting the subject site and maneuvering within the subject site, preferably using the swept path analysis;
 - (iii) to advise the management/control measures to be implemented to ensure no queuing of vehicles outside the subject site; and
 - (iv) to advise the provision and management of pedestrian facilities to ensure pedestrian safety;
- (b) with the commissioning of passenger clearance in LT/HYW BCP since February 2023, the trend of cross-boundary parking needs has kept increasing, especially during the weekend. There is a shortfall in parking spaces in the area. However, given the Site is about 1 km away from the LT/HYW BCP, the applicant should provide more information on how people can get to LT/HYW BCP after parking their cars at the Site, such as the provision of shuttle services, for his consideration; and
- (c) the vehicular access between Lin Ma Hang Road and the Site is not managed by TD. The applicant should seek comments from the responsible party.

Nature Conservation

9.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- trees/ shrubs were found within the Site. The applicant should clarify whether tree felling is required for the proposed use. In addition, a watercourse is located to the eastern boundary of the Site (**Plan A-2**). The applicant should provide information on the mitigation measures to avoid adverse impact to the watercourse nearby during the construction and operation phase.

Landscape

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

- the Site falls within a non-landscape sensitive zone and no significant landscape impact arising from the applied use is anticipated.

Environment

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

- (a) no adverse comment to the application;
- (b) the applicant is advised to note that it is the obligation of the applicant to meet the statutory requirements under relevant pollution control; and
- (c) there was no environmental complaint received in the past three years.

Fire Safety

9.1.5 Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department.

Drainage

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

- (a) does not support the application since the Site is located in the close proximity of an existing stream; and
- (b) the applicant did not submit satisfactory stormwater drainage and site formation proposals to demonstrate that there would be adequate measures to avoid the Site from being eroded and flooded, and to ensure capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development.

District Officer's Comments

9.1.7 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Heung Yuen Wai object the application mainly on the grounds that the development would induce adverse traffic impact on the surrounding areas; part of the proposed access road is privately owned; parking of outsider's car would cause safety concerns; and not in line with the planning intention of the "V" zone. 23 objections with similar views from villagers of Heung Yuen Wai were also received;
- (b) the Chairman of Fung Shui Area Committee, the incumbent North District Councilor of N16 Constituency and the RR of Tsung Yuen Ha have no comment on the application; and
- (c) Ta Kwu Ling District Rural Committee and the IIR of Tsung Yuen Ha did not reply.

9.2 The following government departments consulted have no objection to/no comment on the application:

- (a) Chief Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Commissioner of Police (C of P);
- (d) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD); and
- (e) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD).

10. Public Comment Received During Statutory Publication Period

On 28.7.2023, the application was published for public inspection. During the statutory public inspection period, a total of seven public comment was received, including a North District Council member indicating no comment on the application, and six individuals objecting to the application mainly on the ground that the development would induce adverse traffic impact, landscape impact, and security concerns (**Appendix III**).

11. Planning Considerations and Assessments

11.1 The application is for a proposed public vehicle park (private cars only) at the Site which falls within an area zoned "V" on the OZP. The proposed use is considered not in line with the planning intention of the "V" zone, which is intended 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. Although there is no Small House application received on the Site, there is no strong justification provided in the submission for a departure from the planning intention of "V"

zone. Approval of the application will set undesirable precedent for similar applications within the “V” zone.

- 11.2 C for T advises that information/assessment in relation to traffic generation/attraction, manoeuvring space, vehicular access and management of pedestrian facilities, etc should be submitted for his consideration. The applicant suggested that the proposed use is to alleviate the pressing parking demand associated with the opening of LT/HYW BCP. However, C for T considers that the applicant did not provide sufficient information on how its users commute to LT/HYW BCP, which is about 1km away, after parking their cars at the Site. CE/MN, DSD does not support the application since the Site is located in the close proximity of an existing stream, and the applicant fails to demonstrate that there would be adequate measures to avoid the Site from being eroded and flooded, and to ensure capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development. There is no information in the submission to demonstrate that the proposed development would have no adverse traffic and drainage impacts on the surrounding areas.
- 11.3 The Site is overgrown with vegetation and a watercourse is located to its eastern boundary. DAFC advises the applicant should clarify whether tree felling is required for the proposed use, and provide information of mitigation measures to avoid adverse impact to the watercourse nearby during the construction and operation phase. As adverse impact on the existing landscape character and landscape resources within the Site arising from the proposed use is not anticipated, CTP/UD&L of PlanD has no objection to the application from landscape planning perspective. Other relevant government departments consulted, including DEP, D of FS, etc, have no objection to or no adverse comment on the application.
- 11.5 Regarding the local comments conveyed by DO(N) of HAD and the public comments on the application as detailed in paragraphs 9.1.7 and 10 above, government departments’ comments and 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 local comments conveyed by DO(N), HAD and public comments as detailed in paragraphs 9.1.7 and 10 respectively, the Planning Department does not support the application for the following reasons:
- (a) the proposed use is not in line with the planning intention “V” zone which is primarily intended for development of Small Houses by indigenous villagers respectively. There is no strong planning justification in the submission for a departure from such planning intentions; and
 - (b) the applicant fails to provide sufficient information in the submission to demonstrate that the proposed development will not cause adverse traffic and drainage impacts on the surrounding areas.
- 12.2 Alternatively, 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 five years until **8.9.2028**. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **8.3.2024**;
- (b) in relation to (a) above, the implementation of a drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **8.6.2024**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **8.3.2024**;
- (e) in relation to (d) above, the implementation of the accepted fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **8.6.2024**;
- (f) if the above planning condition (c) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the above 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 at **Appendix II**.

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 26.4.2023
Appendix II	Recommended Advisory Clauses
Appendix III	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**